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Los Angeles Superior Court

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POLICE DEPARTMENT OF THE CITY OF BURBANK (erroneously sued as an
13 independent entity named “BURBANK POLICE DEPARTMENT”)

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF LOS ANGELES

16 OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN; ELFEGO
17 RODRIGUEZ; AND JAMAL CHILDS,

Case No. BC 414602

Date: May 12, 2010
Time: 9:00 a.m.
Judge: The Honorable Joanne O'Donnell
Dept.: 37

18 Plaintiffs,
19 v.

20 BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
21 100, INCLUSIVE,

**DEFENDANT'S EVIDENTIARY
OBJECTIONS TO PLAINTIFF'S
EVIDENCE IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT
AGAINST PLAINTIFF ELFEGO
RODRIGUEZ**

22 Defendants.

23 BURBANK POLICE DEPARTMENT; CITY
OF BURBANK,

[Reply Brief, Consolidated Separate Statement,
[Proposed] Order Re Evidentiary Objections,
Responses To Plaintiff's Objections, Appendix Of
Non-California Authorities, Reply Declaration Of
Veronica Von Grabow, And Notices of Lodging
Depositions Filed Concurrently Herewith]

24 Cross-Complainants,
25 v.

26 OMAR RODRIGUEZ, an Individual;

File Date: May 28, 2009
Trial Date: August 25, 2010
Discovery Referee: The Honorable
Diane Wayne, Ret.

27 Cross-Defendant.

Mitchell
Silberberg &
Knupp LLP

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1 **TO ALL PARTIES AND THEIR RESPECT ATTORNEYS OF RECORD:**

2 Defendant CITY OF BURBANK, including the Police Department of the City of Burbank
3 submits the following evidentiary objections to the evidence plaintiff Elfego Rodriguez submitted
4 in opposition to Burbank's Motion for Summary Judgment.

5 Most of Rodriguez's 's evidence is inadmissible because:

6 (1) It lacks foundation -- noticeably missing (a) the date on which any conduct
7 occurred which is required to show it is not time barred, (b) who engaged in any offensive conduct
8 and the location whether at work or otherwise (c) any evidence that the declarant witnessed or
9 heard of the conduct, and (d) any showing that it was reported to management.

10 (2) It contains unsworn testimony that is not evidence in the form of a purported
11 declaration on behalf of a plaintiff, Steve Karagoisian, who is not "available" to sign his
12 declaration until weeks after this Court is scheduled to rule on this matter. (Evid. Code § 710).

13 (3) It proffers irrelevant assertions of offensive conduct and gossip that declarant
14 neither witnessed nor was told about. (Evid. Code §§ 210, 350-351, 702.) Rumor and innuendo is
15 not a substitute for proof of harassment. (*Beyda v. City of Los Angeles* (1998) 65 Cal.App.4th
16 511, 518-522.)

17 (4) It proffers irrelevant assertions of offensive conduct, rumors, and gossip that
18 occurred outside the statute of limitations (Evid. Code §§ 210, 350-351) and no evidence of
19 conduct within the statute of limitations -- from May 27, 2008, forward. Undisputed Facts 71, 78,
20 and 95 establish no offensive conduct occurred within the limitations period.

21 (5) It proffers irrelevant "statistical evidence" of hiring and promotions in other cities,
22 having no relevance to Rodriguez's 's claims, and offering no foundational information about the
23 pool from which hiring and promotional decision were made. (Evid. Code §§ 210, 350-351, 403.)

24 (6) It proffers declaration testimony from Rodriguez that contradicts his deposition.
25 *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Rodriguez's
26 contradictory declaration claims, holding that an affidavit contradicting a sworn admission or
27 concession made during discovery raises no substantial evidence of a triable issue of fact to defeat
28 a summary judgment motion. (*See also Archdale v. American Internat. Specialty Lines Ins. Co.*

(2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations contradict credible discovery admissions and purport to impeach that party’s own prior sworn testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].).

(7) It proffers improper “opinion” evidence by offering opinions of individuals without laying a foundation as to the individual’s special knowledge, skill, experience, training, and education or a statement of the basis of the opinion. (Evid. Code §§ 403, 800, *et seq.*)

(8) It blatantly misstates “facts” – asserting deposition testimony provides “facts” that are not included in the testimony and thus lack foundation and are irrelevant. (Evid. Code §§ 403, 210, 350-351.)

(9) Plaintiff’s “evidence” is largely quotations from plaintiff’s counsel and deponents responding to leading questions in depositions, and consists of fragmentary statements containing conclusory quotations that contain no foundational information – the deposition testimony uniformly lacks any information as to who made any offensive comments, when, where, and in what context (at work or outside of work) any such events occurred, and any information as to the basis for the improper and conclusory opinions of “discrimination,” “harassment,” “retaliation,” “inappropriate” “race-based” comments. As such, plaintiff’s evidence lacks any of the required foundation for admissibility and to show relevance. (Evid. Code §§ 210, 350-351, 403.)

Moreover, plaintiff’s evidence attached to the Declaration of India S. Thompson violates the California Rules of Court. The deposition testimony plaintiff proffers fails to comply with the California Rules of Court requirement that where deposition testimony is offered as an exhibit to motion papers, “[t]he relevant portion of any testimony in the deposition must be marked in a manner that calls attention to the testimony.” (Cal. Rules of Ct., Rule 3.1116. subd. (c).) Plaintiff also failed to provide a table of contents for the evidence, violating Rule 3.3150(g).

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1 the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of
2 Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code §
3 702); and argumentative. This testimony constitutes an impermissible legal conclusion. This
4 testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez deposition 242:6-
5 18; 248:5-16 (von Grabow Reply Decl., Exhibit 1)(comments only made in first year or so)).
6 *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Rodriguez's
7 contradictory declaration claims, holding that an affidavit contradicting a sworn admission or
8 concession made during discovery raises no substantial evidence of a triable issue of fact to defeat
9 a summary judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.*
10 (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations contradict credible
11 discovery admissions and purport to impeach that party's own prior sworn testimony, they should
12 be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a
13 declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

14 **Court's Ruling on Objection: No. 2** Sustained _____

15 Overruled _____

16
17 **Objection No. 3.**

18 "Over the years, I was subjected to repeated use of terms such as 'wetback,' 'Julio,' 'gardener,'
19 'towels (referring to Armenians),' 'half-breeds,' 'n-,' etc." (E.Rodriguez Decl., p. 2, ll. 14-15)

20 **Grounds for Objection: No. 3:**

21 This testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez
22 deposition 242:6-18; 248:5-16 (von Grabow Reply Decl., Exhibit (comments only made in first
23 year or so)). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars
24 Rodriguez's contradictory declaration claims, holding that an affidavit contradicting a sworn
25 admission or concession made during discovery raises no substantial evidence of a triable issue of
26 fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty*
27 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations
28 contradict credible discovery admissions and purport to impeach that party's own prior sworn

testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

Court’s Ruling on Objection: No. 3 **Sustained** _____

Overruled _____

Objection No. 4.

“Many of the officers who used the terms were known to be personal friends of then Deputy Chief, and later, Chief Stehr and other high ranking members of management. I was hesitant to object to this language either to the officers themselves or to management in fear of retaliation.” (E.Rodriguez Decl., p. 2, ll. 15-18)

Grounds for Objection: No. 4:

This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Court’s Ruling on Objection: No. 4 **Sustained** _____

Overruled _____

Objection No. 5.

“He referred to my personal appearance, not my car.” (E.Rodriguez Decl., p. 2, ll. 21-22)

Grounds for Objection: No. 5:

Declarant has not established that he has any basis for knowing the speaker’s state of mind and what the speaker “referred to.” This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Court’s Ruling on Objection: No. 5 **Sustained** _____

Overruled _____

Objection No. 6.

“At worst, his sworn statement is untrue. At best, he is mistaken about the time frame of the statement, and at no time did he ever give any indication to me that he was referring to a car. After all, he did not say that ‘my car’ looked like the type of vehicle he chased. He used the term ‘you.’” (E.Rodriguez Decl. p. 2, ll. 21-22)

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1 **Grounds for Objection: No. 11:**

2 The testimony reflecting what declarant "was told" is hearsay (Evid. Code § 1200).

3 **Court's Ruling on Objection: No. 11** Sustained _____

4 Overruled _____

5
6 **Objection No. 12.**

7 "... it is considered one of the most prestigious assignments in the Department, and an important
8 stepping stone toward Detective rank." (E.Rodriguez Decl., p. 4, ll. 6-8).

9 **Grounds for Objection: No. 12:**

10 Declarant fails to identify who is doing the "considering", when the "considering" took
11 place, in what context, and how declarant had knowledge of it and therefore the testimony lacks
12 foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid.
13 Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and
14 argumentative.

15 **Court's Ruling on Objection: No. 12** Sustained _____

16 Overruled _____

17
18 **Objection No. 13.**

19 "In addition, certain other attributes are considered, such as education, fluency in certain foreign
20 languages and other specialized experience." (E.Rodriguez Decl., p. 4, ll. 13-14)

21 **Grounds for Objection: No. 13:**

22 Plaintiff has not established that he has participated in the selection of officers for SED, or
23 supervised anyone who had participated in the selection of officers for SED, and therefore the
24 testimony lacks foundation (Evid. Code §§ 403(a), 702).

25 **Court's Ruling on Objection: No. 13** Sustained _____

26 Overruled _____

27 **Objection No. 14.**

28 "After completing the tests, I ranked first, No. 1 even when compared to competitor Caucasian
applicants who purport to have had significantly more shooting experience. Although, previous

1 experience may be submitted and given some consideration, previous experience is not considered
2 in the ranking process.” (E.Rodriguez Decl., p. 4, ll. 19-22)

3 **Grounds for Objection: No. 14:**

4 Declarant has not established that he has personal knowledge of the “experience
5 competitor Caucasian applicants purport to have”, that he participated in the ranking process, or
6 supervised anyone who had participated in the ranking process, therefore the testimony lacks
7 foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid.
8 Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and
9 argumentative.

10 This testimony contradicts Plaintiff’s own sworn deposition testimony (E. Rodriguez
11 242:6-18 (von Grabow Reply Decl., Exhibit) (no knowledge of the qualifications of other
12 candidates)). *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars
13 Rodriguez’s contradictory declaration claims, holding that an affidavit contradicting a sworn
14 admission or concession made during discovery raises no substantial evidence of a triable issue of
15 fact to defeat a summary judgment motion. (*See also Archdale v. American Internat. Specialty*
16 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations
17 contradict credible discovery admissions and purport to impeach that party’s own prior sworn
18 testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp.
19 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary
20 judgment].)

21 **Court’s Ruling on Objection: No. 14** Sustained _____

22 Overruled _____

23
24 **Objection No. 15.**

25 “Ironically, Sgt. Kelly Frank (who earlier told me I look like the guys they chase) was in charge.
26 He told me that he could not could not seriously consider me because SED ,would be too
27 demanding of my time and that as long as I was working for SED, I could not be on SRT.”
(E.Rodriguez Decl., p. 4, ll. 25-27)

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1 **Court's Ruling on Objection: No. 17** Sustained _____

2 Overruled _____

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4 **Objection No. 18.**

5 "Lt. Dennenjian agreed that there were problems within the department, and even shared some of
6 his own negative experiences in that regard." (E.Rodriguez Decl., p. 5, ll. 9-10)

7 **Grounds for Objection: No. 18:**

8 This testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez
9 deposition 208:11-25; 220:11-22; 221:25-222:4 (von Grabow Reply Decl., Exhibit 1) (no
10 testimony regarding any agreement to there being "problems within the department")). *D'Amico*
11 *v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Rodriguez's contradictory
12 declaration claims, holding that an affidavit contradicting a sworn admission or concession made
13 during discovery raises no substantial evidence of a triable issue of fact to defeat a summary
14 judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.* (2007) 154
15 Cal.App.4th 449, 473 ["Where a party's self-serving declarations contradict credible discovery
16 admissions and purport to impeach that party's own prior sworn testimony, they should be
17 disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration
18 contradicting deposition testimony is insufficient to defeat summary judgment].)

19 **Court's Ruling on Objection: No. 18** Sustained _____

20 Overruled _____

21
22 **Objection No. 19.**

23 "However, to both my surprise and Officer Karagiosian, Lt. Dermenjian urged us to keep those
24 opinions to ourselves, and that it would not be wise to let anyone else know how we felt."
(E.Rodriguez Decl., p. 5, ll. 11-12)

25 **Grounds for Objection: No. 19:**

26 This testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez depo.
27 208:11-25; 220:11-22; 221:25-222:4 (von Grabow Reply Decl., Exhibit 1) (only that Karagiosian
28 told to "pick and choose his battles")). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d

1, 20-22 bars Rodriguez's contradictory declaration claims, holding that an affidavit contradicting a sworn admission or concession made during discovery raises no substantial evidence of a triable issue of fact to defeat a summary judgment motion. (*See also Archdale v. American Internat. Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations contradict credible discovery admissions and purport to impeach that party's own prior sworn testimony, they should be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

Court's Ruling on Objection: No. 19 Sustained _____

Overruled _____

Objection No. 20.

"...Sgt. Travis Irving was assigned as our supervisor. He appeared to be disinterested in the assignment. Unlike other officers assigned to SED, he was not required to go through the rigorous application process." (E.Rodriguez Decl., p. 5, ll. 14-15)

Grounds for Objection: No. 20:

Plaintiff has not established that he has knowledge of the application process required by all officers in the SED, how Irving was assigned, whether Irving was in fact a Sergeant, or that that declarant participated in the selection of officers for such assignment, or supervised anyone who had participated in the selection of officers for such assignment, therefore the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803) ("appeared disinterested"); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Court's Ruling on Objection: No. 20 Sustained _____

Overruled _____

Objection No. 21.

"Later in April 2009, Steve Karagiosian and I began hearing rumors about SED and that

1 it was going to be disbanded.” (E.Rodriguez Decl., p.5, ll.16-17)

2 **Grounds for Objection: No. 21:**

3 Plaintiff has not established who stated the rumors or the context of the rumors, therefore
4 the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is also hearsay
5 regarding the content of the rumors (Evid. Code § 1200).

6 **Court’s Ruling on Objection: No. 21 Sustained _____**

7 **Overruled _____**

8 **Objection No. 22.**

9 “Steve and I again approached Lt. Armen Dermenjian. He assured us that he felt we were ‘good
10 cops,’ that we had job security and that we had nothing to worry about. He said that even if SED
11 were disbanded, he would see that we were reassigned to other specialty 20 units, such as
narcotics or gangs.” (E.Rodriguez Decl., p.5, ll.17-20)

12 **Grounds for Objection: No. 22:**

13 This testimony contradicts Plaintiff’s own sworn deposition testimony (E. Rodriguez
14 deposition 231:7-232:25 (von Grabow Reply Decl., Exhibit 1)(no testimony that they were “good
15 cops” or “had job security” but only that Dermenjian “hadn’t heard anything negative about us”)).
16 *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Rodriguez’s
17 contradictory declaration claims, holding that an affidavit contradicting a sworn admission or
18 concession made during discovery raises no substantial evidence of a triable issue of fact to defeat
19 a summary judgment motion. (*See also Archdale v. American Internat. Specialty Lines Ins. Co.*
20 (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations contradict credible
21 discovery admissions and purport to impeach that party’s own prior sworn testimony, they should
22 be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a
23 declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

Overruled _____

“The writings on the white board derisively mocked idioms that are frequently used by Armenians. ... without any substantive information they are of no value in an investigation.” (E.Rodriguez Decl., p. 5, ll. 23-27)

The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Overruled _____

“It was simply a list of idioms frequently used by Armenians. The writings served no purpose other than mockery on the sole basis of ethnicity.” (E.Rodriguez Decl., p. 6, ll. 2-4)

Declarant does not establish how he knows which idioms are frequently used by Armenians or how he knows the “purpose” of the writings, therefore the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Overruled

“There were several lines of script on the white board that stated, “My friend ...,” “... 100%,” “I tell you everything ... 100%,” and “Sir, please, I beg you.”” (E.Rodriguez Decl., p. 5, ll. 23-24)

This testimony violates Best Evidence Rule (Evid. Code § 1523). *See* Rodriguez Depo., 294:16-295:15 and Exhibit 146 to Rodriguez Depo.

1 **Court's Ruling on Objection: No. 25 Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 26.**

5 "Although I am not Armenian, it was just another example of BPD police officers' mocking and
6 derisive treatment of minorities." (E.Rodriguez Decl., p. 6, ll. 5-6)

7 **Grounds for Objection: No. 26:**

8 Declarant does not identify other "examples" or how that he has personal knowledge of the
9 state of mind of the unidentified police officers and therefore the testimony lacks foundation
10 (Evid. Code §§ 403(a), 702). The testimony is improper opinion (Evid. Code §§ 800, 803);
11 speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

12 **Court's Ruling on Objection: No. 26 Sustained _____**

13 **Overruled _____**

14
15 **Objection No. 27.**

16 "Even though the mockery was not directed at me personally, it was a clear message to me and to
17 every other minority who had put their careers on the line by objecting this to this kind of conduct.
18 Despite the Rodriguez-Moisa interviews, the discrimination training, the strong written policies
19 against discrimination, officers felt free to continue this conduct. The officer or officers who
20 wrote these things believed that they could not only write those things on the white board, but that
21 they could display them in the hallway with no fear of any disciplinary action by the Department.
22 As it turned out my fear that nothing would be done were well-founded." (E.Rodriguez Decl.,
23 p. 6, ll. 10-16)

24 **Grounds for Objection: No. 27:**

25 Declarant has not established who the mockery was directed at or how he knows the state
26 of mind of the "mockers" or what they "believed" and therefore the testimony lacks foundation
27 (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800,
28 803)("belief"); speculation (Evid. Code § 800)("belief"); conclusory (Evid. Code § 702)
("belief"); and argumentative.

1 **Court's Ruling on Objection: No. 27** Sustained _____

2 **Overruled** _____

3
4 **Objection No. 28.**

5 "Management ignored it as if nothing was wrong. Steve Karagiosian also told me that one of the
6 detectives, referring to the victim of the same murder, casually commented that 'there was no
7 human involved.' I found the comment highly offensive, especially since the detective made the
comment in front of an Armenian officer." (E.Rodriguez Decl., p. 6, ll. 17-20)

8 **Grounds for Objection: No. 28:**

9 Declarant does not establish that he is part of management, has personal knowledge of
10 management's response or the reasons for it, and thus the testimony lacks foundation (Evid. Code
11 §§ 403(a), 702). Declarant also does not establish that he has personal knowledge of whom the
12 unnamed detective was referring to and thus the testimony lacks foundation (Evid. Code §§
13 403(a), 702).

14 This testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez
15 deposition 417:18-25 (von Grabow Reply Decl., Exhibit 1) (nothing about the comment referring
16 to the victim or to Armenians in any way)). *D'Amico v. Board of Medical Examiners* (1974) 11
17 Cal.3d 1, 20-22 bars Rodriguez's contradictory declaration claims, holding that an affidavit
18 contradicting a sworn admission or concession made during discovery raises no substantial
19 evidence of a triable issue of fact to defeat a summary judgment motion. (*See also Archdale v.*
20 *American Internat. Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's
21 self-serving declarations contradict credible discovery admissions and purport to impeach that
22 party's own prior sworn testimony, they should be disregarded"]; *Collins v. Hertz Corp.* (2006)
23 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is
24 insufficient to defeat summary judgment].)

1 **Court's Ruling on Objection: No. 28 Sustained** _____

2 **Overruled** _____

3
4 **Objection No. 29.**

5 "Steve Karagiosian told me he intended to notify Lt. Dermenjian. About a week later
6 Lt. Dermenjian came to the SED office and when both Steve and I were there, he cautioned us to
7 pick our battles carefully, that it would be best for us to ignore the entire incident, but that he
8 would speak to Chief Stehr about it." (E.Rodriguez Decl., p. 6, ll. 21-24)

9 **Grounds for Objection: No. 29:**

10 This testimony contradicts Plaintiff's own sworn deposition testimony (E. Rodriguez
11 deposition 208:11-25; 220:11-22; 221:25-222:4 (von Grabow Reply Decl., Exhibit 1) (only that
12 Karagiosian should "pick and choose his battles")). *D'Amico v. Board of Medical Examiners*
13 (1974) 11 Cal.3d 1, 20-22 bars Rodriguez's contradictory declaration claims, holding that an
14 affidavit contradicting a sworn admission or concession made during discovery raises no
15 substantial evidence of a triable issue of fact to defeat a summary judgment motion. (*See also*
16 *Archdale v. American Internat. Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where
17 a party's self-serving declarations contradict credible discovery admissions and purport to
18 impeach that party's own prior sworn testimony, they should be disregarded"]; *Collins v. Hertz*
19 *Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition
20 testimony is insufficient to defeat summary judgment].)

21 **Court's Ruling on Objection: No. 29 Sustained** _____

22 **Overruled** _____

23 **Objection No. 30.**

24 "About a week later, he came to the SED and said to me and to Karagiosian that an investigation
25 was conducted and that the whiteboard writings were part of a murder investigation involving
26 Armenians. How the writings related to the murder investigation or the purpose of the writings in
27 the murder investigation were considered inconsequential. He said there would be no effort to
28 identify the officers who wrote the idioms." (E.Rodriguez Decl., p. 7, ll. 1-5)

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1 a party's self-serving declarations contradict credible discovery admissions and purport to
2 impeach that party's own prior sworn testimony, they should be disregarded"]; *Collins v. Hertz*
3 *Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition
4 testimony is insufficient to defeat summary judgment].)

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6 **Court's Ruling on Objection: No. 31** Sustained _____

7 Overruled _____

8
9 **Objection No. 32.**

10 "The negative rumors about SED continued." (E.Rodriguez Decl., p. 7, l. 10)

11 **Grounds for Objection: No. 32:**

12 This testimony contradicts Plaintiff's sworn deposition testimony E. Rodriguez Depo
13 109:16-20 (von Grabow Reply Decl., Exhibit 1) (negative rumors pre-dated Rodriguez's time in
14 SED). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Rodriguez's
15 contradictory declaration claims, holding that an affidavit contradicting a sworn admission or
16 concession made during discovery raises no substantial evidence of a triable issue of fact to defeat
17 a summary judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.*
18 (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations contradict credible
19 discovery admissions and purport to impeach that party's own prior sworn testimony, they should
20 be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a
21 declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

22 **Court's Ruling on Objection: No. 32** Sustained _____

23 Overruled _____

24
25 **Objection No. 33.**

26 "...that were disastrous to my career." (E.Rodriguez Decl., p. 7, 13)

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1 **Court's Ruling on Objection: No. 35** Sustained _____

2 Overruled _____

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4 **Objection No. 36.**

5 "Also the elimination of the SED did not put more patrol manpower on the streets. The Detective
6 and other specialized bureaus continued to need additional support and the support was provided
7 by taking patrol officers off the street to work for the Detective and other specialized bureaus."
(E.Rodriguez Decl., p. 7, ll. 24-27)

8 **Grounds for Objection: No. 36:**

9 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
10 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

11 **Court's Ruling on Objection: No. 36** Sustained _____

12 Overruled _____

13
14 **Objection No. 37.**

15 "Chief Stehr's announcement that he planned to deactivate the SED did not mention a need to put
16 more officers on patrol. On the contrary, Chief Stehr's announcement states that by placing me
and Steve on patrol, it would 'provide more diverse opportunities' for *other* officers."
(E.Rodriguez Decl., p. 8, ll. 1-3)

17 **Grounds for Objection: No. 37:**

18 The testimony violates Best Evidence Rule (Evid. Code § 1523). *See* von Grabow Reply
19 Decl., Exhibit 5 (May 4, 2009 Memorandum re Departmental Restructuring).

20 **Court's Ruling on Objection: No. 37** Sustained _____

21 Overruled _____

22
23 **Objection No. 38.**

24 "Despite our proven qualification for special operations assignments and our excellent
25 performance, he wanted those opportunities to go to *other* officers, that is, officers who did not
complain." (E.Rodriguez Decl., p. 8, ll. 4-5)

26 **Grounds for Objection: No. 38:**

27 Declarant does not establish how he knows the state of mind of the Chief or who he
28 wanted the opportunities to go to and therefore the testimony lacks foundation (Evid. Code §§

1 403(a). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
2 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

3 **Court's Ruling on Objection: No. 38** Sustained _____

4 Overruled _____

5
6 **Objection No. 39.**

7 "He also announced the creation of a Special Problems Unit, with essentially the same function as
8 the SED." (E.Rodriguez Decl., p. 8, ll. 6-7)

9 **Grounds for Objection: No. 39:**

10 The testimony violates Best Evidence Rule (Evid. Code § 1523). *See* von Grabow Reply
11 Decl., Exhibit 5 (May 4, 2009 Memorandum re Departmental Restructuring).

12 **Court's Ruling on Objection: No. 39** Sustained _____

13 Overruled _____

14
15 **Objection No. 40.**

16 "Despite previous assurances from Lt. Dermenjian that if SED was disbanded, Steve and I would
17 go to another special operations assignment, we were put on patrol." (E.Rodriguez Decl., p. 8,
18 ll. 7-8)

19 **Grounds for Objection: No. 40:**

20 This testimony contradicts the declarant's own sworn deposition testimony. (E. Rodriguez
21 deposition 231:7-232:25 (von Grabow Reply Decl., Exhibit 1) (no assurances regarding future
22 assignments)). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars
23 Rodriguez's contradictory declaration claims, holding that an affidavit contradicting a sworn
24 admission or concession made during discovery raises no substantial evidence of a triable issue of
25 fact to defeat a summary judgment motion. (*See also Archdale v. American Internat. Specialty*
26 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations
27 contradict credible discovery admissions and purport to impeach that party's own prior sworn
28 testimony, they should be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp.

1 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary
2 judgment].)

3 **Court's Ruling on Objection: No. 40** Sustained _____

4 Overruled _____

5 **Objection No. 41.**

6 "...he abandoned the program." (E.Rodriguez Decl., p. 8, ll. 10)

7 **Grounds for Objection: No. 41:**

8 Declarant does not establish who "he" is, or that Declarant knows his state of mind
9 regarding "the program" and therefore the testimony lacks foundation (Evid. Code §§ 403(a). The
10 testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code §
11 800); conclusory (Evid. Code § 702); and argumentative.

12 **Court's Ruling on Objection: No. 41** Sustained _____

13 Overruled _____

14
15 **Objection No. 42.**

16 "Because of the close proximity in time to our complaints about the whiteboard writings, the only
17 rational reason for the elimination of the SED was in retaliation for our complaints about the
hostile work environment." (E.Rodriguez Decl., p. 8, ll. 11-13)

18 **Grounds for Objection: No. 42:**

19 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
20 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. This testimony
21 constitutes an impermissible legal conclusion.

22 **Court's Ruling on Objection: No. 42** Sustained _____

23 Overruled _____

24
25 **Objection No. 43.**

26 "... the most undesirable shift - one that is generally assigned to very junior officers. Eventually
27 management relented..." (E.Rodriguez Decl., p. 8, ll. 14-16)

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1 **Court's Ruling on Objection: No. 45** Sustained _____

2 Overruled _____

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4 **Objection No. 46.**

5 "Finally, on March 30, 2010 I was placed on administrative leave with a recommendation that I
6 should be terminated." (E.Rodriguez Decl., p. 8, ll. 27-28)

7 **Grounds for Objection: No. 46:**

8 This testimony is irrelevant as it concerns alleged events *not* plead in the FAC. (Evid.
9 Code. §§ 210, 350-351).

10 **Court's Ruling on Objection: No. 46** Sustained _____

11 Overruled _____

12 **Objection No. 47.**

13 "Given the timing and the lack of support for these allegations, this action was obviously taken to
14 undermine this case and to ruin my career in retaliation for my complaints." (E.Rodriguez Decl.,
15 p. 9, ll. 4-5)

16 **Grounds for Objection: No. 47:**

17 The witness fails to indentify who engaged in the alleged conduct, when the alleged
18 conduct occurred or the context in which it occurred and thus the testimony lacks foundation
19 (Evid. Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§
20 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argument. This
21 testimony is irrelevant as it concerns alleged events *not* plead in the FAC. (Evid. Code. §§ 210,
22 350-351). This testimony constitutes an impermissable legal conclusion.

23 **Court's Ruling on Objection: No. 47** Sustained _____

24 Overruled _____

25 **OBJECTIONS TO DECLARATION OF STEVE KARAGIOSIAN**

26 **Objection No. 48.**

27 The entire declaration. (S.Karagiosian Decl., p. 1, l. 26- p. 6, l.19)

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1 **Court's Ruling on Objection: No. 50** Sustained _____

2 Overruled _____

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4 **Objection No. 51.**

5 "Hispanics were referred to as 'gardeners,' 'taco truck drivers,' 'Julios,' 'bean bandits,'
6 'wetbacks,' etc. These terms were commonly used until the middle of 2009." (S.Karagiosian
Decl., p. 2, ll. 19-20)

7 **Grounds for Objection: No. 51:**

8 This testimony is irrelevant to Plaintiff's claims (Evid. Code. §§ 210, 350-351). This
9 testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code §
10 800); conclusory (Evid. Code § 702); and argumentative.

11 **Court's Ruling on Objection: No. 51** Sustained _____

12 Overruled _____

13
14 **Objection No. 52.**

15 "Once I completed my probation period, I began to complain, but nothing was done. I frequently
16 confided to Lt. Armen Dermenjian because I felt that he would understand what I was going
through, as a lieutenant, he might be able to do something about it, and that he would not retaliate
as I feared other ranking officers might do." (S.Karagiosian Decl., p. 2, ll. 21-24)

17 **Grounds for Objection: No. 52:**

18 This testimony is irrelevant to Plaintiff's claims (Evid. Code. §§ 210, 350-351).
19

20 **Court's Ruling on Objection: No. 52** Sustained _____

21 Overruled _____

22
23 **Objection No. 53.**

24 "Lt. Dermenjian's advice was to simply ignore what was going on. He explained that he had put
25 up with a lot of racism when he was an officer, and when he was a sergeant. He warned that if I
complained, I would get a bad reputation within the Department and it would hurt my chances for
26 promotion." (S.Karagiosian Decl., p. 2, ll. 25-28)

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1 **Court's Ruling on Objection: No. 54** Sustained _____

2 Overruled _____

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4 **Objection No. 55.**

5 "I have seen these white boards in the past and knew that they were used when detectives were
6 working on a case and wanted to make checklists for evidence, 'evidence trees,' to time lines,
7 suspect and victim information, clues, etc. However, *this* board had no information that could be
8 useful in solving a crime." (S.Karagiosian Decl., p. 3, ll. 13-16)

9 **Grounds for Objection: No. 55:**

10 This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
11 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

12 **Court's Ruling on Objection: No. 55** Sustained _____

13 Overruled _____

14 **Objection No. 56.**

15 "It was just a list of linguistic mannerisms." (S.Karagiosian Decl., p. 3, l. 17)

16 **Grounds for Objection: No. 56:**

17 This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
18 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

19 **Court's Ruling on Objection: No. 56** Sustained _____

20 Overruled _____

21 **Objection No. 57.**

22
23 "Although I became skeptical when I learned that the Chief had used the word 'nigger' in a
24 management meeting, I nevertheless hoped that things would change." (S.Karagiosian Decl., p. 3,
25 ll. 21-22)

26 **Grounds for Objection: No. 57:**

27 The witness fails to establish how he "learned" that the Chief used the word 'nigger', and
28 where, and in what context the word was used, and thus the testimony lacks foundation (Evid.
Code §§ 403(a), 702). This testimony is irrelevant (Evid. Code. §§ 210, 350-351). This testimony

1 is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800);
2 conclusory (Evid. Code § 702); and argumentative.

3 **Court's Ruling on Objection: No. 57** Sustained _____

4 Overruled _____

5
6 **Objection No. 58.**

7 "Prior to that, I had overheard a detective say that a murder involving an Armenian victim and
8 suspect was not important because the victim was 'NHI' meaning 'no human involved.'" (S.Karagiosian Decl., p. 4, ll. 1-3)

9 **Grounds for Objection: No. 58:**

10 Declarant fails to identify who engaged in the alleged conduct, when the alleged conduct
11 occurred or the context in which it occurred, or the basis for declarant's interpretation that "NHI"
12 means "no human involved," and thus the testimony lacks foundation (Evid. Code §§ 403(a),
13 702). This testimony contradicts Plaintiff's sworn deposition testimony (E. Rodriguez deposition
14 417:18-25 (von Grabow Reply Decl., Exhibit 1) (nothing about the comment referring to the
15 victim or to Armenians in any way)). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d
16 1, 20-22 bars Rodriguez's contradictory declaration claims, holding that an affidavit contradicting
17 a sworn admission or concession made during discovery raises no substantial evidence of a triable
18 issue of fact to defeat a summary judgment motion. (See also *Archdale v. American Internat.*
19 *Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving
20 declarations contradict credible discovery admissions and purport to impeach that party's own
21 prior sworn testimony, they should be disregarded"]; *Collins v. Hertz Corp.* (2006) 144
22 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient
23 to defeat summary judgment].)

24 **Court's Ruling on Objection: No. 58** Sustained _____

25 Overruled _____

26
27 **Objection No. 59.**

28 "Later, Lt. Dermenjian stopped at the SED office. I showed him the white board, told him about
the comment about the Armenian murder victim, and said I wanted to report this racist act. Lt.

1 Dermenjian said he felt Chief Stehr would be very upset to learn that Elfego and I had complained.
2 Although he advised against it, he promised that he would report the act and let the Chief know
that I felt an investigation was in order.” (S.Karagiosian Decl., p. 4, ll. 4-8)

3 **Grounds for Objection: No. 59:**

4 This testimony contradicts Plaintiff’s sworn deposition testimony 208:11-25; 220:11-22;
5 221:25-222:4 (von Grabow Reply Decl., Exhibit 1) (only that Karagiosian told to “pick and
6 choose his battles”). *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars
7 Rodriguez’s contradictory declaration claims, holding that an affidavit contradicting a sworn
8 admission or concession made during discovery raises no substantial evidence of a triable issue of
9 fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty*
10 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations
11 contradict credible discovery admissions and purport to impeach that party’s own prior sworn
12 testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp.
13 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary
14 judgment].)

15 **Court’s Ruling on Objection: No. 59** Sustained _____

16 Overruled _____

17
18 **Objection No. 60.**

19 “He was also told about the ‘NHI’ comment, and he said he did not care. There was no attempt to
20 how the comments could possibly be relevant to the murder investigation. The reference to an
Armenian murder victim as not human was not important.” (S.Karagiosian Decl., p. 4, ll. 14-16)

21 **Grounds for Objection: No. 60:**

22 This testimony is irrelevant (Evid. Code. §§ 210, 350-351). This testimony is improper
23 opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory
24 (Evid. Code § 702); and argumentative.

1 **Court's Ruling on Objection: No. 60** Sustained _____

2 Overruled _____

3
4 **Objection No. 61.**

5 "Yet no one, other than Elfego, Detective Reyes and myself seemed concerned that these writer
6 simply wrote those phrases to mock and insult Armenians." (S.Karagiosian Decl., p. 4, ll. 19-20)

7 **Grounds for Objection: No. 61:**

8 The witness does not establish how he knows the state of mind of unnamed individuals
9 such that "no one" "seemed concern," and thus the testimony lacks foundation (Evid. Code §§
10 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803);
11 speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

12 **Court's Ruling on Objection: No. 61** Sustained _____

13 Overruled _____

14
15 **Objection No. 62.**

16 "Shortly after I complained to Lieutenant Dermenjian concerning the whiteboard incident, I
17 learned that there were several rumors that the SED was going to be disbanded." (S.Karagiosian
Decl., p. 4, ll. 23-24)

18 **Grounds for Objection: No. 62:**

19 The witness fails to establish what rumors he heard, from who, and in what context, and
20 thus the testimony lacks foundation (Evid. Code §§ 403(a), 702). This testimony is irrelevant
21 (Evid. Code. §§ 210, 350-351).

22 **Court's Ruling on Objection: No. 62** Sustained _____

23 Overruled _____

24
25 **Objection No. 63.**

26 "Lieutenant Dermanjian initially assured me that there were no plans to disband the SED, and that
27 if it was deactivated, that I would be able to complete my three year assignment, and would simply
28 be transferred to another specialized unit such as narcotics or gangs. Although less prestigious,
these assignments were also seen as stepping stones to promotion." (S.Karagiosian Decl., p. 4,
ll. 25-28)

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1 **Court's Ruling on Objection: No. 66 Sustained** _____

2 **Overruled** _____

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4 **Objection No. 67.**

5 "We were then assigned back to Patrol prior to completing our three year assignment with the
6 SED. Based on the timing, I believe that our complaints about the white board were the final
7 straw for Chief Stehr, and his decision to shut down the SED was his way of getting us to finally
 shut up. On patrol duty, we would have little opportunity to gain broad professional experience
 and little opportunity for career growth." (S.Karagiosian Decl., p. 5, ll. 21-25)

8 **Grounds for Objection: No. 67:**

9 The witness fails to establish how he had personal knowledge of the state of mind of Chief
10 Stehr or the bases for his decision to shut down the SED, and thus the testimony lacks foundation
11 (Evid. Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code
12 §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

13 **Court's Ruling on Objection: No. 67 Sustained** _____

14 **Overruled** _____

15
16 **Objection No. 68.**

17 "On the other hand, Sgt. Irving.- who had not complained - was returned to his position and
18 promised an appointment to SPU without testing." (S.Karagiosian Decl., p. 5, ll. 26-27)

19 **Grounds for Objection: No. 68:**

20 The witness fails to establish that he has personal knowledge regarding whether or not Sgt.
21 Irving complained and what appointment he was promised. The witness has not established that
22 he was in a position to receive, or otherwise know of, complaints or make appointments to SPU,
23 and thus the testimony lacks foundation (Evid. Code §§ 403(a), 702).

24 **Court's Ruling on Objection: No. 68 Sustained** _____

25 **Overruled** _____

26
27 **Objection No. 69.**

28 "To our surprise, at the first opportunity for FTO duty, it was assigned to two rookie officers who
 did not even meet the minimum requirements for assignment as an FTO. Although the assignment

1 was for a mere week, the public announcement at role call was humiliating.” (S.Karagiosian
2 Decl., p. 6, ll. 6-8)

3 **Grounds for Objection: No. 69:**

4 This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
5 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

6 **Court’s Ruling on Objection: No. 69** Sustained _____

7 Overruled _____

8 **Objection No. 70.**

9 “I continue to work on patrol, and my prospects for promotion and reassignment to a specialized
10 unit are slim.” (S.Karagiosian Decl., p. 6, ll. 9-10)

11 **Grounds for Objection: No. 70:**

12 The witness fails to establish that he has personal knowledge regarding his prospects for
13 promotion and reassignment. The witness has not established that he participated in selections for
14 promotions or reassignment or that he supervised anyone who participated in selections for
15 promotions or reassignment, and thus the testimony lacks foundation (Evid. Code §§ 403(a), 702).
16 This testimony is improper opinion (Evid. Code §§ 800, 803); speculation (Evid. Code § 800);
17 conclusory (Evid. Code § 702); and argumentative.

18 **Court’s Ruling on Objection: No. 70** Sustained _____

19 Overruled _____

20 **OBJECTIONS TO DECLARATION OF OMAR RODRIGUEZ**

21 **Objection No. 71.**

22 “The City of Burbank is approximately 35% White, 25% Hispanic, 20% Eurasian, 10% Asian and
23 10% African American. However, these residency statistics do not fully reflect the true diversity
24 of Burbank. Because of the major studios, hospitals and certain corporate headquarters such as
25 Disney, Warner Bros. and the Bob Hope Airport, the actual mix of people who work and travel
26 and do commercial transactions in Burbank, makes for an even more diverse population.”
(O.Rodriguez Decl., p. 2, ll. 15-19)

1 **Grounds for Objection: No. 71:**

2 Declarant has not established that he has personal knowledge of the racial diversity of the
3 City of Burbank and this the testimony lacks foundation (Evid. Code §§ 403(a), 702). The
4 declarant has not established that he is an expert qualified to make an opinion on the subject of his
5 testimony (Evid. Code § 801). This testimony is improper opinion of Declarant (Evid. Code §§
6 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

7 **Court's Ruling on Objection: No. 71 Sustained _____**

8 **Overruled _____**

9
10 **Objection No. 72.**

11 "Because of my position, and because I am the first non-white person, and certainly the first
12 Spanish-speaking Hispanic to hold the rank of Lieutenant in the Department, many minorities
13 conveyed to me the discrimination and harassment problems that they encountered."
(O.Rodriguez Decl., p. 2, l. 25-28)

14 **Grounds for Objection: No. 72:**

15 Declarant does not established how he knows the race and languages of each individual
16 who ever held the rank of Lieutenant and thus the testimony lacks foundation (Evid. Code §§
17 403(a), 702). The testimony is irrelevant (Evid. Code. §§ 210, 350-351). This testimony
18 constitutes an impermissible legal conclusion. This testimony is also improper hearsay regarding
19 any "discrimination and harassment problems" conveyed. (Evid. Code § 1200).

20 **Court's Ruling on Objection: No. 72 Sustained _____**

21 **Overruled _____**

22 **Objection No. 73.**

23 "However, Chief Stehr resented me and any other officers who brought to light any racial
24 discrimination problems and/or reported discriminatory actions taken by other officers and
25 supervisors – some of whom were personal friends." (O.Rodriguez Decl., p. 3, ll. 1-3)

26 **Grounds for Objection: No. 73:**

27 Declarant fails to establish how he knows the Chief's state of mind ("resented me and
28 other officers"), whether other officers "brought to light" or reported discrimination, and who

Chief Stehr's personal friends were, and thus the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative ("retaliation").

Court's Ruling on Objection: No. 73 Sustained _____

Overruled _____

Objection No. 74.

"In retaliation for my efforts over the years, and most recently, to address the pervasive problem of race and ethnic discrimination within the police department and not going along with Chief Stehr's plans, I was terminated in April 2010." (O.Rodriguez Decl., p. 3, ll. 4-6)

Grounds for Objection: No. 74:

The testimony is irrelevant (Evid. Code. §§ 210, 350-351)(Plaintiff's claims are not at issue here); improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative ("retaliation"). This testimony constitutes an impermissible legal conclusion.

Court's Ruling on Objection: No. 74 Sustained _____

Overruled _____

Objection No. 75.

"The Burbank Police Department is organized, in order of prestige, as follows. There are four divisions: 1) Administration, 2) Investigations, 3) Special Operations, and 4) Uniformed Patrol." (O.Rodriguez Decl., p. 3, ll. 8-10)

Grounds for Objection: No. 75:

Declarant does not establish that he has participated in establishing or maintaining the organization of the Department and therefore the testimony lacks foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Court's Ruling on Objection: No. 75 Sustained _____

Overruled _____

Objection No. 76.

"...the Detective Bureau is the backbone of this division." (O.Rodriguez Decl., p. 3, ll. 16)

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1 **Grounds for Objection: No. 79:**

2 Declarant has not established that he has knowledge of an officer's state of mind regarding
3 his or her "ambition" or what "his or her next career goal" and therefore the testimony lacks
4 foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid.
5 Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and
6 argumentative.

7 **Court's Ruling on Objection: No. 79 Sustained _____**

8 **Overruled _____**

9
10 **Objection No. 80.**

11 "The officer should also have significant leadership skills and is usually considered by his or her
12 Command Group to be one of the best officers on the department." (O.Rodriguez Decl., p. 4,
13 ll. 15-17)

13 **Grounds for Objection: No. 80:**

14 Declarant has not established that he participated in selecting officers for FTO or
15 supervised anyone who had participated in the selection of officers for FTO and therefore this
16 testimony lacks foundation (Evid. Code §§ 403(a), 702). This testimony is improper opinion of
17 Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code §
18 702); and argumentative.

19 **Court's Ruling on Objection: No. 80 Sustained _____**

20 **Overruled _____**

21
22 **Objection No. 81.**

23 "An FTO assignment is invaluable in that it prepares him or her for promotion to any other
24 position, including the rank of Sergeant." (O.Rodriguez Decl., p. 4, ll. 18-19)

25 **Grounds for Objection: No. 81:**

26 This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
27 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

1 **Court's Ruling on Objection: No. 81** Sustained _____

2 Overruled _____

3
4 **Objection No. 82.**

5 "... he was definitely slated and on the path to promotion." (O.Rodriguez Decl., p. 4, ll. 22-23)

6 **Grounds for Objection: No. 82:**

7 Declarant has not established that he participated in promoting officers or supervised
8 anyone who had promoted officers and therefore this testimony lacks foundation (Evid. Code §§
9 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803);
10 speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

11 **Court's Ruling on Objection: No. 82** Sustained _____

12 Overruled _____

13
14 **Objection No. 83.**

15 "If this is indeed true, the act was not only an insult to Officers Rodriguez and Karagiosian, it
16 certainly put both the recruit and the department at risk. Neither of the junior officers selected to
17 be acting FTO's met even the most minimal requirements and certainly had not had any training
18 from the California Commission on Peace Officer Standards and Training on Field Training
19 Officer procedures. Moreover, if the Sergeant had become unavailable, an inexperienced officer
20 would have potentially been in charge of that particular patrol watch, though two very experienced
21 individuals were available." (O.Rodriguez Decl., p. 5, ll. 1-7)

22 **Grounds for Objection: No. 83:**

23 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
24 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

25 **Court's Ruling on Objection: No. 83** Sustained _____

26 Overruled _____

27
28 **Objection No. 84.**

"It is also considered, by and large, the most prestigious and desired." (O.Rodriguez Decl., p. 5,
ll. 9-10)

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1 **Court's Ruling on Objection: No. 86 Sustained _____**

2 **Overruled _____**

3 **Objection No. 87.**

4 "...appearance counts as it is a formal interview." (O.Rodriguez Decl., p. 5, ll. 28)

5 **Grounds for Objection: No. 87:**

6 Declarant has not established that he participated in selecting officers to the SED or
7 supervised anyone who selected officers to the SED and therefore this testimony lacks foundation
8 (Evid. Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§
9 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

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11 **Court's Ruling on Objection: No. 87 Sustained _____**

12 **Overruled _____**

13
14 **Objection No. 88.**

15 "This means that there is a lot of overtime involved." (O.Rodriguez Decl., p. 6, ll. 5)

16 **Grounds for Objection: No. 88:**

17 Declarant has not established that he supervised the SED, or supervised anyone who
18 supervised the SED, and would know how much overtime is involved in the SED and therefore
19 the testimony lacks foundation (Evid. Code §§ 403(a), 702). This testimony is improper opinion
20 of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code §
21 702); and argumentative. This testimony is not relevant as Plaintiff's actual time records are part
22 of the record. *See* CUF 4: Declaration of Trisha Welsh ("Welsh Decl."), ¶¶ 3-5, 13:10-22,
23 Exhibit A, thereto.

24 This testimony contradicts sworn deposition testimony (S. Karagoisian Depo 54:9-16) (von
25 Grabow Reply Decl., Exhibit 6)(co-Plaintiff Karagoisian testified that there were "minimal
26 assignments" while the SED)). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-
27 22 bars contradictory declaration claims, holding that an affidavit contradicting a sworn admission
28 or concession made during discovery raises no substantial evidence of a triable issue of fact to

1 defeat a summary judgment motion. (*See also Archdale v. American Internat. Specialty Lines Ins.*
2 *Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations contradict
3 credible discovery admissions and purport to impeach that party’s own prior sworn testimony,
4 they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79
5 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

6
7 **Court’s Ruling on Objection: No. 88 Sustained _____**

8 **Overruled _____**

9 **Objection No. 89.**

10 “...which again translates to more overtime.” (O.Rodriguez Decl., p. 6, ll. 11-12)

11 **Grounds for Objection: No. 89:**

12 Declarant has not established that he supervised the SED, or supervised anyone who
13 supervised the SED, and would know how much overtime is involved in the SED and therefore
14 the testimony lacks foundation (Evid. Code §§ 403(a), 702). This testimony is improper opinion
15 of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code §
16 702); and argumentative. This testimony is not relevant as Plaintiff’s actual time records are part
17 of the record. *See* CUF 4: Declaration of Trisha Welsh (“Welsh Decl.”), ¶¶ 3-5, 13:10-22,
18 Exhibit A, thereto.

19 This testimony contradicts sworn deposition testimony (S. Karagoisian Depo 54:9-16) (von
20 Grabow Reply Decl., Exhibit 6) (co-Plaintiff Karagoisian testified that there were “minimal
21 assignments” while the SED)). *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-
22 bars contradictory declaration claims, holding that an affidavit contradicting a sworn admission
23 or concession made during discovery raises no substantial evidence of a triable issue of fact to
24 defeat a summary judgment motion. (*See also Archdale v. American Internat. Specialty Lines Ins.*
25 *Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations contradict
26 credible discovery admissions and purport to impeach that party’s own prior sworn testimony,
27 they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79
28 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

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2 **Court's Ruling on Objection: No. 89** Sustained _____

3 Overruled _____
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5 **Objection No. 90.**

6 "The other reason that an SED assignment is desirable is that it is excellent preparation for all
7 other ranks, particularly when the time comes to take the examination for that particular rank.
8 Frequently the questions on these exams and interviews are about subject matter that is afforded to
9 you while assigned to SED, especially if you are applying for a Detective position." (O.Rodriguez
Decl., p. 6, ll. 13-16)

9 **Grounds for Objection: No. 90:**

10 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
11 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. The testimony is
12 irrelevant as Plaintiff does not allege that he was denied a Detective position (Evid. Code. §§ 210,
13 350-351).
14

15 **Court's Ruling on Objection: No. 90** Sustained _____

16 Overruled _____
17

18 **Objection No. 91.**

19 "It is through this kind of exposure that an SED Officer builds relationships that can become
20 extraordinarily useful as they move on to other positions such as Detective and other ranks."
(O.Rodriguez Decl., p. 6, ll. 21-23)

21 **Grounds for Objection: No. 91:**

22 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
23 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

24 **Court's Ruling on Objection: No. 91** Sustained _____

25 Overruled _____
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26 **Objection No. 92.**

27 "To my recollection, every former member of SED..." (O.Rodriguez Decl., p. 6, ll. 24)

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1 **Objection No. 95.**

2 "Elfego Rodriguez served on the US Marshal's Task Force for a period of 6 months. Contrary to
3 the allegations in the Motion for Summary Judgment, Elfego Rodriguez, as well as any other
4 Burbank Police Department Officer, is not selected for participation on one of these task forces by
5 the Burbank, Police Department. Instead it is the task force that selects the officer. The US
6 Marshal's Task Force, not any Officer or Manager of the Burbank Police Department selected
7 Elfego Rodriguez to participate in the task force because they were impressed with his many
8 capabilities." (O.Rodriguez Decl., p. 7, ll. 4-9)

6 **Grounds for Objection: No. 95:**

7 Declarant has not established that he has participated in, or supervised anyone who has
8 participated in, selecting officers to participate in task forces and therefore the testimony lacks
9 foundation (Evid. Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid.
10 Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and
11 argumentative.

12 This testimony contradicts the Plaintiff's sworn deposition testimony (E. Rodriguez Depo
13 449:19-450:10) (von Grabow Reply Decl., Exhibit 1 (testifying that Plaintiff put in for, and was
14 assigned to, the task force)). *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22
15 bars contradictory declaration claims, holding that an affidavit contradicting a sworn admission or
16 concession made during discovery raises no substantial evidence of a triable issue of fact to defeat
17 a summary judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.*
18 (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations contradict credible
19 discovery admissions and purport to impeach that party's own prior sworn testimony, they should
20 be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a
21 declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

22 **Court's Ruling on Objection: No. 95 Sustained _____**

23 **Overruled _____**

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25 **Objection No. 96.**

26 "Chief Stehr's decision to disband the SED was a significant change within the organization of the
27 Burbank Police Department." (O.Rodriguez Decl., p. 7, ll. 10-11)

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1 testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code §
2 800); conclusory (Evid. Code § 702); hearsay (Evid. Code § 1200); and argumentative.

3 **Court's Ruling on Objection: No. 98** Sustained _____

4 Overruled _____

5
6 **Objection No. 99.**

7 "The Los Angeles Sheriff's Department Emergency Response Team ('ERT') is not relevant to the
8 decision to place someone on the BPD's SRT....It is well known, that there is no specialized
training that is provided." (O.Rodriguez Decl., p. 7, ll. 22-25)

9 **Grounds for Objection: No. 99:**

10 Declarant has not established that he has participated in, or supervised anyone who has
11 participated in, selecting officers to participate in the SRT and therefore the testimony lacks
12 foundation (Evid. Code §§ 403(a), 702). Declarant has not established who "knows" this
13 information or in what context it is "known" and therefore the testimony lacks foundation (Evid.
14 Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803);
15 speculation (Evid. Code § 800); conclusory (Evid. Code § 702); hearsay (Evid. Code § 1200); and
16 argumentative.

17 **Court's Ruling on Objection: No. 99** Sustained _____

18 Overruled _____

19
20 **Objection No. 100.**

21 "Although the Burbank Police Department has come a long way since my first few years with the
22 Department, there is considerable room for improvement.... I was then ordered to sing Happy
23 Birthday to Mexico in Spanish because Cinco De Mayo had just passed a few weeks prior. After
24 singing Happy Birthday to Mexico, many of the Officers markedly decided that it was unpatriotic
and I was then ordered to recite the Pledge of Allegiance. This occurred in roll-call, with several
police officers present. I was embarrassed and humiliated, but I was determined to make changes
within the Department." (O.Rodriguez Decl., p. 8, ll. 1-8)

25 **Grounds for Objection: No. 100:**

26 This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
27 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. The testimony is
28 irrelevant (Evid. Code. §§ 210, 350-351).

1 **Court's Ruling on Objection: No. 100 Sustained** _____

2 **Overruled** _____

3
4 **Objection No. 101.**

5 "Other officers referred to me and to other Burbank citizens as Julios, Wetbacks, Taco Vendors
6 and Beaners. The same Officers frequently made negative comments about African Americans,
7 Armenians, and Asians. They also ridiculed and insulted females who worked in the
8 Department." (O.Rodriguez Decl., p. 8, ll. 9-12)

9 **Grounds for Objection: No. 101:**

10 The witness fails to indentify who engaged in the alleged conduct, when the alleged
11 conduct occurred or the context in which it occurred and thus the testimony lacks foundation
12 (Evid. Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid. Code §§
13 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.
14 The testimony is irrelevant (Evid. Code. §§ 210, 350-351).

15 **Court's Ruling on Objection: No. 101 Sustained** _____

16 **Overruled** _____

17 **Objection No. 102.**

18 "In 1995, I tested and ranked number one on the Detectives Examination. Despite being ranked
19 first on the promotability list, I was passed over on two occasions. Eventually, I was appointed
20 Detective." (O.Rodriguez Decl., p. 8, ll. 13-15)

21 **Grounds for Objection: No. 102:**

22 The testimony is irrelevant (Evid. Code. §§ 210, 350-351).

23 **Court's Ruling on Objection: No. 102 Sustained** _____

24 **Overruled** _____

25 **Objection No. 103.**

26 "From 1995 to 2002, as a Detective, I participated in many task forces. As a task force Officer, I
27 worked with numerous State and Federal Law Enforcement entities throughout the country. These
28 agencies include, but are not limited to, the Drug Enforcement Agency, the Federal Bureau of
investigation, the California Department of Justice / Bureau of Narcotic Enforcement, the Santa
Barbara Regional Narcotics Enforcement Team, U.S. Customs, the Bureau of Alcohol, Tobacco,
Fire Arms and Explosives and the U.S. Marshals. I received numerous commendations and

awards, including the California Narcotics Officer of the Year for the region.” (O.Rodriguez Decl., p. 8, ll. 16-22)

Grounds for Objection: No. 103:

The testimony is irrelevant (Evid. Code. §§ 210, 350-351).

Court’s Ruling on Objection: No. 103 Sustained _____

Overruled _____

Objection No. 104.

“I had hoped that things would change. They did not.” (O.Rodriguez Decl., p. 8, l. 25)

Grounds for Objection: No. 104:

The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

Court’s Ruling on Objection: No. 104 Sustained _____

Overruled _____

Objection No. 105.

“The discrimination problems became increasingly worse and in March of 2008 an anonymous letter was sent to the Burbank Police Officer’s Association (BPOA) president and various City of Burbank elected officials.” (O.Rodriguez Decl., p. 8, ll. 26-28)

Grounds for Objection: No. 105:

The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. This testimony constitutes an impermissible legal conclusion.

Court’s Ruling on Objection: No. 105 Sustained _____

Overruled _____

Objection No. 106.

“The letters reported that minority Officers had been subjected to race based inappropriate comments. The letters also stated that Caucasian Officers intentionally delayed responding when requests for assistance were made by minority Officers. The following day, Chief Stehr contacted me and asked if I knew about the letter. I told him that I had heard about the letter because the president of the BPOA had told me about it.” (O.Rodriguez Decl., p. 8, l. 28- p. 9, l.4)

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1 her concerns. Chief Stehr stated he did not have time, spent a few minutes with her, and instructed
2 Deputy Chief Taylor and me to debrief Ms. Nahabedian.." (O.Rodriguez Decl., p. 9, ll. 18-21)

3 **Grounds for Objection: No. 109:**

4 This testimony is irrelevant (Evid. Code. §§ 210, 350-351).

5 **Court's Ruling on Objection: No. 109** Sustained _____

6 Overruled _____

7 **Objection No. 110.**

8 "I personally witnessed and heard Chief Stehr use the word "Nigger" in a management meeting in
9 November 2008. He did not use the term as an instruction to the officers that they should
10 discontinue its use, While it is true that Chief Stehr did not encourage the officers to use the term,
11 it was clear in his tone that he regretted that the term could no longer be used publicly."
(O.Rodriguez Decl., p. 9, ll. 22-25)

12 **Grounds for Objection: No. 110:**

13 Declarant does not establish personal knowledge of the state of mind of Chief Stehr when
14 using the word "Nigger" and therefore this testimony lacks foundation (Evid. Code §§ 403(a),
15 702). This testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
16 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. This testimony is
17 irrelevant (Evid. Code. §§ 210, 350-351).

18 **Court's Ruling on Objection: No. 110** Sustained _____

19 Overruled _____

20 **Objection No. 111.**

21 "After the meeting, Chief Stehr told me that he had spoken to Deputy Chief Bill Taylor and that
22 Taylor was concerned because he felt the Chiefs use of the word "nigger" was inappropriate. He
23 then asked me what I thought, and I told him that it has never been appropriate to use that word.
24 He then stated, "fuck me!" and stormed out of the room." (O.Rodriguez Decl., p. 9, l. 26- p. 10,
25 l.1)

26 **Grounds for Objection: No. 111:**

27 This testimony is irrelevant (Evid. Code. §§ 210, 350-351).

1 **Court's Ruling on Objection: No. 111 Sustained _____**

2 **Overruled _____**

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4 **Objection No. 112.**

5 "To my knowledge, no effort was made by Chief Stehr to apologize about using the word, or even
6 to further explain the context in which he used the word. In my opinion, it sent the wrong message
7 to the Command staff and ranking managers. The message that was sent was that they could
8 ignore the zero tolerance discrimination and harassment policies." (O.Rodriguez Decl., p. 10,
9 ll. 2-5)

10 **Grounds for Objection: No. 112:**

11 Declarant does not establish the bases for his "knowledge" as to any efforts made by Chief
12 Stehr to apologize or explain his use of the work, or establish personal knowledge of the state of
13 mind of the Command staff and ranking managers regarding any "message sent" and thus lacks
14 foundation (Evid. Code §§ 403(a), 702). This testimony is improper opinion of Declarant (Evid.
15 Code §§ 800, 803); speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and
16 argumentative. This testimony is irrelevant (Evid. Code. §§ 210, 350-351).

17 **Court's Ruling on Objection: No. 112 Sustained _____**

18 **Overruled _____**

19 **Objection No. 113.**

20 "Word spread throughout the Department like wildfire." (O.Rodriguez Decl., p. 10, l. 6)

21 **Grounds for Objection: No. 113:**

22 Declarant does not establish how he knows what those in the Department hear, or how
23 quickly the hear it ("like wildfire") and therefore lacks foundation (Evid. Code §§ 403(a), 702).

24 **Court's Ruling on Objection: No. 113 Sustained _____**

25 **Overruled _____**

26 **Objection No. 114.**

27 "I was informed by Officer Fernando Munoz, that Elfego had done exceptionally well."
28 (O.Rodriguez Decl., p. 10, ll. 13-14)

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1 **Court's Ruling on Objection: No. 115 Sustained** _____

2 **Overruled** _____

3
4 **OBJECTIONS TO DECLARATION OF WILLIAM TAYLOR**

5 **Objection No. 116.**

6 "... I was unjustly demoted in retaliation for disclosing incidents of corruption, discrimination and
7 sexual harassment." (Taylor Decl., p. 1, ll. 25-26)

8 **Grounds for Objection: No. 116:**

9 The testimony is irrelevant (Evid. Code. §§ 210, 350-351). This testimony constitutes an
10 impermissible legal conclusion.

11 **Court's Ruling on Objection: No. 116 Sustained** _____

12 **Overruled** _____

13
14 **Objection No. 117.**

15 "I was actively involved, along with the rest of the administrative team in addressing budgetary
16 issues concerning the Department. I and the other Admin Team members provided input
17 concerning budgetary matters to the Chief. My involvement included discussions concerning
18 staffing of police officers, and operating budget suggestions for the various Divisions." (Taylor
19 Decl., p. 4, ll. 8-11)

20 **Grounds for Objection: No. 117:**

21 The testimony is irrelevant (Evid. Code. §§ 210, 350-351).

22 **Court's Ruling on Objection: No. 117 Sustained** _____

23 **Overruled** _____

24 **Objection No. 118.**

25 "Assignment as a Field Training Officer is an excellent opportunity for professional growth."
26 (Taylor Decl., p. 4, ll. 17-18)

27 **Grounds for Objection: No. 118:**

28 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
(Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

1 **Court's Ruling on Objection: No. 118 Sustained** _____

2 **Overruled** _____

3
4 **Objection No. 119.**

5 "Working SED is highly beneficial to a Police Officer's career and reputation, and is generally
6 seen as a highly valuable asset in applications for promotion. One of the reasons SED is so avidly
7 sought by so many Patrol Officers, is that it allows a regular Patrol Officer to gain valuable
8 experience in his/her interactions with the Detective Bureau. Officers, who work SED, usually do
9 very well on promotional tests for a number of assignments, including promotion to Detective.
Officers who work SED acquire experience in surveillance, search warrant service, major crime
and the related investigative follow-up. This experience becomes very valuable for passing oral
exams for Detective, Sergeant and Lieutenant." (Taylor Decl., p. 5, ll. 14-21)

10 **Grounds for Objection: No. 119:**

11 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
12 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

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14 **Court's Ruling on Objection: No. 119 Sustained** _____

15 **Overruled** _____

16
17 **Objection No. 120.**

18 "To the best of my recollection, most officers who wanted to be a detective and who had
19 completed an assignment in SED achieved a promotion to Detective. There were some incidents
where this did not occur however." (Taylor Decl., p. 5, ll. 22-24)

20 **Grounds for Objection: No. 120:**

21 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
22 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

23
24 **Court's Ruling on Objection: No. 120 Sustained** _____

25 **Overruled** _____

26
27 **Objection No. 121.**

28 "I strongly advised against it to Captain Lowers and ultimately told City Manager; Mike Flad that
I believed Chief Stehr was retaliating against the minority officers assigned to SED. It was highly

1 unusual for the Chief to make such a momentous decision without input from me.” (Taylor Decl.,
2 p. 6, ll.1-4)

3 **Grounds for Objection: No. 121:**

4 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
5 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. This testimony
6 constitutes an impermissible legal conclusion. This testimony is irrelevant (Evid. Code. §§ 210,
7 350-351.

8 **Court’s Ruling on Objection: No. 121** Sustained _____

9 Overruled _____

10 **Objection No. 122.**

11 “As far as budgetary cuts related to SED, those issues had been addressed and resolved, prior to
12 Elfego Rodriguez being assigned to SED.” (Taylor Decl., p. 6, ll.10-11)

13 **Grounds for Objection: No. 122:**

14 Declarant fails to establish that he was involved in any decision-making regarding
15 disbanding the SED, or that he was aware of BPD budgets as they pertained to the SED at the time
16 the decision was made to disband the SED, and therefore the testimony lacks foundation (Evid.
17 Code §§ 403(a), 702). The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803);
18 speculation (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative.

19 **Court’s Ruling on Objection: No. 122** Sustained _____

20 Overruled _____

21 **Objection No. 123.**

22 “At about the time of the abolishment of SED, I learned that the Chief had planned to create a
23 uniform Special Problems Unit (SPU). This unit would perform relatively the same function as
24 SED but would operate under another Division, as opposed to the Investigative Division.
25 However, since the SPU Unit would provide support to several divisions, it would essentially be
26 doing the same work. The Chief even discussed possibly housing the SPU in the same offices that
27 were used by the SED.” (Taylor Decl., p. 6, ll. 12-17)

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1 in the room that use of that term was unauthorized or would not be tolerated." (Taylor Decl., p. 6,
2 ll. 24-26)

3 **Grounds for Objection: No. 126:**

4 The testimony is improper opinion of Declarant (Evid. Code §§ 800, 803); speculation
5 (Evid. Code § 800); conclusory (Evid. Code § 702); and argumentative. The testimony is
6 irrelevant (Evid. Code. §§ 210, 350-351).

7 **Court's Ruling on Objection: No. 126 Sustained _____**

8 **Overruled _____**

9 **Objection No. 127.**

10 "Chief Stehr told me that Ms. Moisa uncovered some very serious discrimination concerns. Chief
11 Stehr told me that despite numerous allegations of discrimination, there would only be two small
12 investigations. I suggested to Chief Stehr that there should be more investigations, but he
13 disagreed. He then restated that he would only authorize two small investigations." (Taylor Decl.,
p. 7, ll. 3-7)

14 **Grounds for Objection: No. 127:**

15 The testimony is irrelevant (Evid. Code. §§ 210, 350-351).

16 **Court's Ruling on Objection: No. 127 Sustained _____**

17 **Overruled _____**

18 **OBJECTIONS TO DECLARATION OF CHRISTOPHER LEE DUNN**

19 **Objection No. 128.**

20 "The basic standard qualifications for a potential SRT member are that an officer be a team player,
21 have an ability to learn, have a history of sound tactics, be physically fit and have the requisite
22 marksmanship." (Dunn Decl., p. 2, ll. 9-11)

23 **Grounds for Objection: No. 128:**

24 Declarant has not established that he participated in, or supervised anyone who participated
25 in, the selection of SRT members for assignment and therefore the testimony lacks foundation
26 (Evid. Code §§ 403(a), 702).

1 **Court's Ruling on Objection: No. 128 Sustained _____**

2 **Overruled _____**

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4 **Objection No. 129.**

5 "Previous qualifications like military service, prior law enforcement and other related training may
6 be informally taken into consideration. However, it is the exception, and not the rule, to select
7 SRT officers based on such previous experience or other related qualifications." (Dunn Decl.,
8 p. 2, ll. 12-14)

9 **Grounds for Objection: No. 129:**

10 Declarant has not established that he participated in, or supervised anyone who participated
11 in, the selection of SRT members for assignment and therefore the testimony lacks foundation
12 (Evid. Code §§ 403(a), 702).

13 **Court's Ruling on Objection: No. 129 Sustained _____**

14 **Overruled _____**

15 **Objection No. 130.**

16 "Prior to becoming a police officer, I was a Military Police Officer in the United States Army. I
17 also served on a military SRT team as a MP Officer. Based upon my seven year career in the
18 Burbank Police Department and assignment to SRT, I know it is not a preferential SRT
19 qualification to be an "expert" marksman in the military. The title of "expert" marksman is, in
20 itself, misleading. All branches of the United States military present the designation of "expert" or
21 20 "distinguished marksman" titles to soldiers during basic training weapons qualification. Unless
22 a soldier has an additional skill identifier, such as "sniper" or "designated marksman," he has not
23 received specialized training other than what is standard to all military personnel. Based upon my
24 seven year career in the Burbank Police Department and assignment to SRT, I know that the
25 Burbank Police Department upper echelons are as aware of this information as I am." (Dunn
26 Decl., p. 2, ll. 15-24)

27 **Grounds for Objection: No. 130:**

28 Declarant has not established that he participated in, or supervised anyone who participated
in, the selection of SRT members for assignment and therefore the testimony lacks foundation
(Evid. Code §§ 403(a), 702).

1 **Court's Ruling on Objection: No. 130 Sustained _____**

2 **Overruled _____**

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4 **Objection No. 131.**

5 Having worked for Sheriffs Department or having prior Sheriffs Department Emergency Response
6 Team ("ERT") experience is also not a preferential SRT qualification. ERT training is only
7 applicable to the jail environment. It is given to a majority of the jail officers and is not considered
8 "specialized" training within the Sheriffs Department. In fact, during the selection into the Sheriff
9 Department's SEB ("SWAT ") unit, such would not even be considered as a selection criteria
beyond the normal jail experience or training. Based upon my ten year career in the Burbank
Police Department and assignment to SRT, I know that the Burbank Police Department upper
echelons are as aware of this information as I am." (Dunn Decl., p. 1, l. 25 – p.2, l. 4)

10 **Grounds for Objection: No. 131:**

11 Declarant has not established that he participated in, or supervised anyone who participated
12 in, the selection of SRT members for assignment and therefore the testimony lacks foundation
(Evid. Code §§ 403(a), 702).

13 **Court's Ruling on Objection: No. 131 Sustained _____**

14 **Overruled _____**

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16 **OBJECTIONS TO THE DECLARATION OF INDIA S. THOMPSON**

17 **Objection No. 132.**

18 "In the course of discovery, Plaintiff requested copies of the investigation report which was
19 authored by Irma Rodriguez Moisa from the Defendant Burbank Police Department. Defendant
20 has refused to produce said documents. Plaintiff and his attorneys therefore contest and dispute
the 'independent' nature of Irma Rodriguez Moisa's investigation, in that the Burbank Police
Department has refused to produce the report." (Thompson Decl., p. 3, ll. 13-17)

21 **Grounds for Objection: No. 132:**

22 The testimony is hearsay (Evid. Code § 1200) and argumentative.
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1 **Grounds for Objection: No. 134:**

2 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
3 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
4 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

5 Childs attempted to submit the same evidence in opposition to Defendant's summary
6 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
7 same grounds.

8 **Court's Ruling on Objection: No. 134 Sustained _____**

9 **Overruled _____**

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11 **Objection No. 135.**

12 "hearing a comment that you thought was an inappropriate race-based comment?"

13 A May I ask a question? Directed toward me or -

14 Q Directed towards anybody.

15 A In general, I have to say two months ago, give or take.

16 Q And what was the comment?" (Slor Depo., 25:14-19)

17 **Grounds for Objection: No. 135:**

18 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code § 210, 350-
19 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
20 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 135 Sustained _____**

25 **Overruled _____**

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27 **Objection No. 136.**

28 "called within the Department?"

1 A Hitler.

2 Q When did that conversation take place?" (Slor Depo., 26:17-19)

3 **Grounds for Objection: No. 136:**

4 The deposition testimony reflected in the citations set forth in plaintiffs evidence is
5 unintelligible as stated. The testimony also lacks foundation (Evid. Code § 403), is irrelevant
6 (Evid. Code § 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702),
7 improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

8 Childs attempted to submit the same evidence in opposition to Defendant's summary
9 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
10 same grounds.

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12 **Court's Ruling on Objection: No. 136** Sustained _____

13 Overruled _____

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15 **Objection No. 137.**

16 "A Aside from -- I've heard him refer to black people as "zogs". I think that's what he referred to
17 them as. I didn't know what that was. I hadn't heard that term before.

18 Q Any other race-based comments that you can recall.. ." (Slor Depo., 28:9-12)

19 **Grounds for Objection: No. 137:**

20 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
21 351), conclusory (Evid. Code §702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
22 Code § 1200), and vague.

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.

26 **Court's Ruling on Objection: No. 137** Sustained _____

27 Overruled _____

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Objection No. 138.

"the word -- I've heard the term "towel", "towel head", but I can't -- that's about all I can remember. I specifically recall those two for some reason.

BY MR. GRESEN: Q And these are comments that you've heard more than once?

A Yes.

Q And these are comments that you've heard at some point within the last two years; correct?

A Yes.

Q But as you sit here today, you do not recall who.. ." (Slor Depo., 31:20-32:5)

Grounds for Objection: No. 138:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code § 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 138	Sustained _____
	Overruled _____

Objection No. 139.

"going to target Armenian citizens with any sort of traffic or other -

A I have.

Q -- enforcement?

A I have."(Slor Depo., 32:9-11)

Grounds for Objection: No. 139:

The deposition testimony reflected in the citations set forth in plaintiffs evidence is unintelligible as stated. The testimony also lacks foundation (Evid. Code § 403), is irrelevant

(Evid. Code § 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 139 Sustained _____

Overruled _____

Objection No. 140.

"bitch".

BY MR. GRESEN: Q Have you heard a male officer referred to as a "bitch"?

A Can you repeat the question?

Q Have you ever heard a male officer referred to as a bitch?

A. Not specifically, no.

Q Do you know, can you tell me which officer – which female officer was being referred to?

A Yes.

Q Who?

A Officer Guillen.

Q Can you tell me who made the remark?" (Slor Depo., 49:12-24)

Grounds for Objection: No. 140:

The testimony lacks foundation (Evid. Code §403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 140 Sustained _____

Overruled _____

Objection No. 141.

“A Identifying and stopping people based upon their race in order to search for evidence of a crime.

Q Have you observed any conduct which you believe to be profiling on the part of the Department during your tenure?

MS. SAVITT: Same objections.

BY MR. GRESSEN: Q Racial profiling?

MS. SAVITT: Same objections.

THE WITNESS: Yes.

BY MR. GRESSEN: ..." (Slor Depo., 53:6-15)

Grounds for Objection: No. 141:

The testimony lacks foundation (Evid. Code §403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 141 Sustained

Overruled

Objection No. 142.

“MS. SAVITT: Same objections.

THE WITNESS: It was -- I can't give the exact date and time.

MR. PERRY: Which race?

THE WITNESS: Hispanic; I want to say black and Armenian.

BY MR. GRESSEN: . . ." (Slor Depo., 53:17-22)

1 **Grounds for Objection: No. 142:**

2 The testimony lacks foundation (Evid. Code §403), is irrelevant (Evid. Code §§ 210, 350-
3 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
4 Code § 800), and vague.

5 Childs attempted to submit the same evidence in opposition to Defendant's summary
6 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
7 same grounds.

8 **Court's Ruling on Objection: No. 142 Sustained _____**

9 **Overruled _____**

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11 **Objection No. 143.**

12 "profiling of Armenians?"

13 A Yes.

14 Please tell me what that conduct is?

15 MR. MICHAELS: Objection. Lacks foundation. Calls for speculation.

16 THE WITNESS: I recall hearing and -- that we were stopping cars or to stop cars because of lack
17 of license plates and tinted windows on expensive high-end cars because they -- because they were
actual traffic violations, but also because they were -- you know, belonged to Armenians.

18 BY MR. GRESEN:" (Slor Depo., 56:11-21)

19 **Grounds for Objection: No. 143:**

20 The testimony lacks foundation (Evid. Code §403), is irrelevant (Evid. Code §§ 210, 350-
21 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
22 Code § 800), and vague.

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.

26 **Court's Ruling on Objection: No. 143 Sustained _____**

27 **Overruled _____**

28

OBJECTIONS TO EXHIBIT E – DEPOSITION TESTIMONY
OF STEVE KARAGOSIAN

Objection No. 144.

“Q. Why -- why did that offend you?

A. Because I knew they would start with the “Vontez,” and then they would start with an accent in Armenian saying stuff, like, “Oh, my friend.” You know, “100 percent it wasn’t me speeding.” “My friend.” That’s how the conversation would go.

Q. Okay. But my question is, why does saying good morning in Armenian offend you?

A. Because it was a -- it was a combination of everything they did. If it was just “Vontez” in Armenian, that would be if somebody said it in Spanish, “Hola. Coma estas.” But then when they start talking to me in an accent and they start saying things that doesn’t pertain to me, it pertains to a suspect or somebody that they contacted, that’s when it was offensive.

Q. Okay. So what else did they say to you in Armenian besides good morning?

A. That’s the only thing they knew how to say. Several other cuss words here and there but ...

Q. Well -- okay. What are the cuss words they said?

A. You know, I can’t remember. But they would - I guess when they contacted some of these Armenian subjects on the street, they would ask them, and then they would come in, and some of them -- I can’t remember which ones”(Karagiosian Depo., 42:16-43:15)

Grounds for Objection: No. 144:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant’s summary judgment papers as to Childs and the Court sustained Defendant’s objection based on these very same grounds.

Court’s Ruling on Objection: No. 144 Sustained _____
Overruled _____

Objection No. 145.

“Q. You said there were suspects. Did some of the suspects speak English?

1 A. Yes.

2 Q. Okay. Did you interview the English-speaking suspects or just the Armenian-speaking suspect?

3 A. Both.

4 Q. So you interviewed all the suspects in the case?

5 A. Yes.

6 Q. Okay. Did anybody else interview any of the suspects in the case?

7 A. Yes.” (Karagiosian Depo., 92:20-93:4)

8 **Grounds for Objection: No. 145:**

9 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
10 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702).

11 Childs attempted to submit the same evidence in opposition to Defendant’s summary
12 judgment papers as to Childs and the Court sustained Defendant’s objection based on these very
13 same grounds.

14 **Court’s Ruling on Objection: No. 145** Sustained _____

15 Overruled _____

16

17 **Objection No. 146.**

18 “Q. Okay.

19 A. I don’t think it’s the heart. It’s like the middle portion of your body?

20 Q. Okay.

21 MR. GRESEN: Indicating his sternum.

22 Q. BY MS. SAVITT: Who were the two other officers that were present?

23 A. I believe -- I don’t recall. I believe that it was Sergeant -- I’m sorry, Officer Neil Gunn and
24 Officer Jimenez, at the time Diaz. A female officer that got married.

25 Q. Okay. So after he said, “I’m SRT. I’ll put it in your ten ring,” what happened next?

26 A. I stood up, and I said, “You’re SRT?” And I cussed. And he said, “Yeah.” I said, “Look at me,
and look at me well.” I ...” (Karagiosian Depo., 145:16-146:7)

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1 **Grounds for Objection: No. 146:**

2 The witness fails to identify when the alleged conduct occurred or the context in which it
3 occurred and thus the testimony lacks foundation (Evid. Code §§ 403). The testimony is also
4 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
5 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

6 Childs attempted to submit the same evidence in opposition to Defendant's summary
7 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
8 same grounds.

9 **Court's Ruling on Objection: No. 146 Sustained _____**

10 **Overruled _____**

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12 **Objection No. 147.**

13 "What's your question about that one?"

14 Q. BY MS. SAVITT: What -- what was the circumstances of Aaron Kendrick saying that in the
15 second one -- in the second -- the second instance of, "I have the chief on speed dial"?

16 A. Yeah. When I told -- when I said that I confronted him about dumping dope and being an
17 aggressive officer or doing all these illegal activities, he said, ..." (Karagiosian Depo., 169:19-
170:l)

18 **Grounds for Objection: No. 147:**

19 The witness fails to identify when the alleged conduct occurred or the context in which it
20 occurred and thus the testimony lacks foundation (Evid. Code §§ 403). The testimony is also
21 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
22 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.

26 **Court's Ruling on Objection: No. 147 Sustained _____**

27 **Overruled _____**

Objection No. 148.

"I never told him that. If you want, I have the chief on speed dial. I can call him, and," you know, "we can ask him. That's not," you know, "what I said." And I said, "Aaron," I said, "I won't talk to the chief of police, man. It doesn't work that way." I"(Karagiosian Depo., 170:2-6.)

Grounds for Objection: No. 148:

The witness fails to identify when the alleged conduct occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §§ 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 148 Sustained _____

Overruled _____

Objection No. 149.

"Q. Okay. Do you know if that was a reasonable place to go look to see if they had fled there?

A. No.

Q. Okay. So this would have been in what? 2004 when you were --

A. 2005.

Q. You said you were brand -- you were still brand new?

A. I was either on probation or right off of probation.

Q. So it was also 2005?

A. Right.

Q. Okay. And this was over the radio?

A. Yes." (Karagiosian Depo., 277:9-22.)

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1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 150** Sustained _____

5 Overruled _____

6
7 **Objection No. 151.**

8 "Q. Okay. Sam Anderson. When did you hear Sam Anderson use the expression "Armos"?

9 A. Same -- no. Sam Anderson was earlier than that. It was somewhere in 2006 -- later than that.
10 2006. He worked a graveyard shift with us, and he was -- he worked...."(Karagiosian Depo.,
300:21-25.)

11 **Grounds for Objection: No. 151**

12 The witness fails to identify when the alleged conduct occurred or the context in which it
13 occurred and thus the testimony lacks foundation (Evid. Code §§ 403). The testimony is also
14 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
15 § 702), vague, and inadmissible hearsay (Evid. Code § 1200). Further, the testimony should be
16 barred because the alleged conduct occurred in 2005, outside the applicable statute of limitations
17 period, and the testimony is thus irrelevant and inadmissible.

18 Childs attempted to submit the same evidence in opposition to Defendant's summary
19 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
20 same grounds.

21 **Court's Ruling on Objection: No. 151** Sustained _____

22 Overruled _____

23
24 **Objection No. 152.**

25 "Q. And who has referred to Hispanics as Julios?

26 A. Scott Moody and Buteyn.

27 Q. Okay. And when did you hear Scott Moody refer to Hispanics as Julios?" (Karagiosian
28 Depo., 302:16-18.)

1 **Grounds for Objection: No. 152:**

2 The witness fails to identify when the alleged conduct occurred or the context in which it
3 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
4 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
5 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

6 Childs attempted to submit the same evidence in opposition to Defendant's summary
7 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
8 same grounds.

9 **Court's Ruling on Objection: No. 152 Sustained _____**

10 **Overruled _____**

11
12 **Objection No. 153.**

13 "A. They were in the roll call together.

14 Q. Okay. How many times did you hear them say it?

15 A. Once." (Karagiosian Depo., 303:13-15.)

16 **Grounds for Objection: No. 153:**

17 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
18 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
19 §§ 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
20 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 153 Sustained _____**

25 **Overruled _____**

26
27 **Objection No. 154.**

28 "that's illegal or undocumented in Southern California Hispanic?"

1 MR. GRESEN: Foundation. Speculation.” (Karagiosian Depo., 305:10-12.)

2 **Grounds for Objection: No. 154:**

3 The deposition testimony reflected in the citations set forth in plaintiff’s evidence is
4 unintelligible as stated. The testimony lacks foundation (Evid. Code §§ 403), is irrelevant (Evid.
5 Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
6 and inadmissible.

7 Childs attempted to submit the same evidence in opposition to Defendant’s summary
8 judgment papers as to Childs and the Court sustained Defendant’s objection based on these very
9 same grounds.

10 **Court’s Ruling on Objection: No. 154** Sustained _____

11 Overruled _____

12
13
14 **Objection No. 155.**

15 “Q. Aren’t you supposed to report to the department when there’s violations of department policy?

16 A. Yes.

17 Q. Okay. Who has said, “I’m going to go get a....”(Karagiosian Depo., 307:22-25.)

18 **Grounds for Objection: No. 155:**

19 The witness fails to identify who engaged in the alleged conduct, what the alleged conduct
20 was, when the alleged conduct occurred, or the context in which it occurred and thus the testimony
21 lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-
22 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible
23 hearsay (Evid. Code § 1200).

24 Childs attempted to submit the same evidence in opposition to Defendant’s summary
25 judgment papers as to Childs and the Court sustained Defendant’s objection based on these very
26 same grounds.

1 **Court's Ruling on Objection: No. 155 Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 156.**

5 "him.

6 Q. Okay. So have you told me everything about your first conversation with him?

7 A. Basically. That's all it was.

8 Q. Okay. And your second conversation with him?

9 A. My second conversation -- kind of the same way. I -- I think I discussed a little bit about
10 Aaron Kendrick and the stuff that was said by the Thursday, Friday, Saturday graveyard --
11 dayshift guys. And he basically told me that -- to stay away from that shift. Don't work that shift
12 with those guys. He says -- and he said, "Just do what you got to do, but avoid working that shift."
13 And I told him -- I said, "I didn't pick it. I was placed on that shift because I got off probation.
14 And it was not time to pick yet. So I was placed in that position." He said, "Okay," you know.
15 And I said, "Hey, Bruce," I said, "My personality is I like to confront people, . . . I said, "I like to
16 confront them, and then we just take care of it because I don't want to go to supervisors." I said, "I
17 don't believe in that." And he said, "I agree with you, but you got to be careful in this department
18 because you're going to go tell an officer, and then he's going to go tell a supervisor that you did
19 something bad." And I said, "If that happens, I'll lose it." And then that was the extent of -
20 basically somewhere of that. I don't know the exact words. It was a while back. But something to
21 that effect.

22 Q. Okay. And what was the third conversation?

23 A. The third conversation was, I believe, after the FTO test because Bruce Slor took the FTO test
24 as well, and he scored very low. And I called him. I said, "Hey, Bruce, I got No. 1." And he says,
25 "Yeah." I said, "But you're never going to believe this is what I heard, somebody say that I was a
26 towel and because I was Armenian." I said, "Bruce, I'm about to lose it." I said, "I can't take it
27 anymore. All this shit's got to stop." I said, "You know, it's coming to the point where, you know,
28 I'm" -- "I'm" -- "I'm, you know, getting over the edge." And he told me, "Steve, it's not worth it.
29 You got a wife. You got kids. You know, you're moving up in the department. You're a good
30 cop." And he gave me the whole spiel and calmed me down basically." (Karagiosian Depo.,
31 323:6-25.)

32 **Grounds for Objection: No. 156:**

33 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
34 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
35 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
36 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 156** Sustained _____

5 Overruled _____

6
7 **Objection No. 157.**

8 "patrol?

9 A. All the way till probably going to SED." (Karagiosian Depo., 336:18-19.)

10 **Grounds for Objection: No. 157:**

11 The deposition testimony reflected in the citations set forth in plaintiff's evidence is
12 unintelligible as stated. The testimony lacks foundation (Evid. Code §§ 403), is irrelevant (Evid.
13 Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
14 and ambiguous.

15 Childs attempted to submit the same evidence in opposition to Defendant's summary
16 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
17 same grounds.

18 **Court's Ruling on Objection: No. 157** Sustained _____

19 Overruled _____

20
21 **OBJECTIONS TO EXHIBIT F – DEPOSITION TESTIMONY**
22 **OF ANTHONY VALENTO**

23
24 **Objection No. 158.**

25 "Q. Did anybody -- I'll move on from that. Now, I believe you mentioned earlier that there was a
26 perception that the administration had failed to act, on your part. What gave rise to that
perception?

27 MS. SAVITT: Vague and ambiguous; lacks foundation. You may answer.

1 THE WITNESS: In my opinion, there was a widespread, at least the perception was there was a
2 very big problem within the Burbank Police Department, and it was my opinion that if we didn't
do something it was only going to get worse.

3 BY MR. GRESEN:

4 Q. And when you say "problem," what do you mean?

5 A. It was a number of things. I think a failure to respond to complaints from officers, a failure to
6 respond to known issues. Just the mentality that if you just ignore it, it will go away. Retaliation, if
you did bring up a problem or complain about something." (Valento Depo., 25:25 - 26:21)

7 **Grounds for Objection: No. 158:**

8 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
9 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
10 Code § 800), and vague.

11 Childs attempted to submit the same evidence in opposition to Defendant's summary
12 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
13 same grounds.

14 **Court's Ruling on Objection: No. 158** Sustained _____

15 Overruled _____

16
17 **Objection No. 159.**

18 "Q. What were they?

19 MS. SAVITT: Same objection.

20 THE WITNESS: Basically the misrepresentation of facts by Internal Affairs investigators and
21 retaliation for officers using their rights.

22 BY MR. GRESEN: Q. When you speak of retaliation for officers using their rights, what type of
rights were these officers using?

23 MS. SAVITT: Overbroad; vague; compound; calls for a conclusion; lacks foundation.

24 THE WITNESS: Specifically the things that I witnessed for myself, I have requested Civil Service
25 board reviews where I was specifically told by the attorney for the city, I believe at the time her
name was Christine Pelletier, that if I chose to take my discipline to the Civil Service review
26 board, that I would -- that I could possibly suffer increased discipline.

27 BY MR. GRESEN: Q. Any other retaliation for using the rights, examples?

28 A. The same example. There have been a number of other officers over the years that I have heard
the same thing from. There have been -- I witnessed a Captain Stehr, he was Captain Stehr at the
time, have a discussion with the board prior to a negotiations meeting. He basically said that

1 understand if an officer chose to take something to Civil Service, that he then had the right to
2 change the officer's evaluation to a poor evaluation, and that would be done if the officer chose to
exercise his rights and take the matter to the Civil Service board." (Slor Depo., 28:2-29:9)

3 **Grounds for Objection: No. 159:**

4 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
5 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), attorney-client privilege
6 (Evid. Code § 954), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code
7 § 1200), and vague.

8 Childs attempted to submit the same evidence in opposition to Defendant's summary
9 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
10 same grounds.

11 **Court's Ruling on Objection: No. 159** Sustained _____

12 Overruled _____

13
14 **Objection No. 160.**

15 "Q. Did he say that the review would be changed to poor irrespective of whether the person
16 complaining had a valid complaint?

17 MS. SAVITT: Same objections.

18 THE WITNESS: He said the evaluation would change if the officer exercised his rights and took
the matter to the Civil Service review board." (Valento Depo., 29: 19-25)

19 **Grounds for Objection: No. 160:**

20 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
21 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
22 Code § 1200), and vague.

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.

26 **Court's Ruling on Objection: No. 160** Sustained _____

27 Overruled _____

Objection No. 161.

“Q. Have you ever heard during your tenure on the Burbank Police Department any members of the Burbank Police Department make any inappropriate race-based comments about blacks?”

MS. SAVITT: Overbroad; vague; ambiguous; lacks foundation; calls for an opinion; calls for a conclusion; compound. You may answer.

THE WITNESS: I’m sure I have over the years, but I don’t recall anything specific...” (Valento Depo., 54:23-55:7)

Grounds for Objection: No. 161:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant’s summary judgment papers as to Childs and the Court sustained Defendant’s objection based on these very same grounds.

Court’s Ruling on Objection: No. 161 Sustained _____

Overruled _____

Objection No. 162.

Q. Okay. Have you heard anybody at the Burbank Police Department, any police officer make any inappropriate race-based comments against Armenians?”

MS. SAVITT: Same objections.

THE WITNESS: Basically the same statement. I have over the years, but I don’t recall anything specific.” (Valento 55:9-15)

Grounds for Objection: No. 162:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 162** Sustained _____

5 Overruled _____

6
7 **Objection No. 163.**

8 "Q. Okay. Have you ever heard in your tenure any Burbank police officers make any derogatory
9 race-based comments about Latinos or Hispanics?"

10 MS. SAVITT: Same objection.

11 THE WITNESS: Yes." (Valento 55: 17-21)

12 **Grounds for Objection: No. 163:**

13 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
14 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
15 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

16 Childs attempted to submit the same evidence in opposition to Defendant's summary
17 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
18 same grounds.

19 **Court's Ruling on Objection: No. 163** Sustained _____

20 Overruled _____

21 **Objection No. 164.**

22 "Q. Did you ever hear the chief make any derogatory race-based comments, by "chief" I mean
23 Chief Stehr?"

24 MS. SAVITT: Same objection.

25 THE WITNESS: Yes.

26 BY MR. GRESSEN: Q. What did you hear Chief Stehr say?

27 A. Again, nothing specific. Just, you know, 12 maybe jokes -

28 Q. Do you recall any of those jokes?

1 A. -- or comments. No.

2 Q. Do you recall how recently, when was the last time you heard him make a joke or comment?

3 MS. SAVITT: Same objections.

4 THE WITNESS: It would probably be at least over five years ago, approximately." (Valento
5 Depo., 56:4-19)

6 **Grounds for Objection: No. 164:**

7 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
8 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
9 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 164** Sustained _____

14 Overruled _____

15 **OBJECTIONS TO EXHIBIT G - DEPOSITION TESTIMONY OF OMAR RODRIGUEZ**

16 **Objection No. 165.**

17 "continue -- if you intend to continue this line of questioning, we'll just file for a protective order.
18 It's up to you.

19 THE VIDEOGRAPHER: Do you want to go off the record?

20 MS. SAVITT: Go off the record.

21 THE VIDEOGRAPHER: Off the record at 10:01 a.m.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: Back on the record at 10:25 a.m.

24 MR. GRESEN: Okay. I just wanted to respond briefly to the ex parte. I said this yesterday. I don't
25 know if I said it on the record. The problem with the ex parte is that the records that we may or
26 may not have, we have no way of knowing -- we understand that you're saying they're"
(0. Rodriguez Deposition 23:2-15)

1 **Grounds for Objection: No. 165:**

2 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code § 210, 350-
3 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), and vague.

4 Childs attempted to submit the same evidence in opposition to Defendant's summary
5 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
6 same grounds.

7
8 **Court's Ruling on Objection: No. 165 Sustained _____**

9 **Overruled _____**

10 **Objection No. 166.**

11
12 "I told Rolando that since about 2007 of two thousand and -- I'm sorry. Since January of 2007,
13 you know, I -- as a part of my duties in the COPS, it was to hire -- to recruit and hire officers for
14 the police department. And I told him that in -- in doing so, that I had become aware that the
15 detectives conducting the background investigations were inappropriately disqualifying minorities
16 and females from the background process." (0. Rodriguez Depo., 225:23 - 226:6)

17 "THE WITNESS: That as time went on and these things were obvious, it was very obvious to me
18 that it was only -- these disqualifications were only occurring on females and on minority
19 candidates. I believe that there -- there could have been some civil rights violations
20 involved." (0. Rodriguez Depo., 235:3 - 8)

21 "The same. That I felt that he was, you know, improperly disqualifying -- disqualifying females
22 and minorities. And I told him that about the first month that I was in COPS, I told him that
23 Detective Racina had come in, and it was probably within the first few weeks of me being there,
24 and he -- he wanted to talk to me about expectations and whatnot, and he told me that he wanted
25 me to know right from the get-go that he wasn't hiring any women. And I told him -- I actually
26 started laughing because I thought he was joking. And, you know, he looked at me very seriously,
27 and he says, "I'm telling you right now, I'm not hiring any females." And I told Rolando that I
28 told Racina, "Not only are you going to hire females, but the first one that we hire is going to be
hired by you." And I told him that he was going to embrace diversity or diversity was going to
embrace him." (0. Rodriguez Depo., 239:13 - 240:6)

23 **Grounds for Objection: No. 166:**

24 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code § 210, 350-
25 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
26 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 166 Sustained _____

Overruled _____

Objection No. 167.

"A. I told Rolando that during that time, probably in December of '06 or January of '07, is when I began to get complaints from officers that were working patrol. These were minority officers that had been coming to me reporting that people were treating -- treating them unfairly and making, you know, racial comments to them and things that they believed would be inappropriate race based problems down in patrol. And I told -- I told Rolando that at the beginning it wasn't so often. It was probably -- I - I probably talked to somebody maybe once or twice a month. But as time went on and I began hiring minority officers, all the way through April of 2009, it just became almost on a weekly basis these officers were coming to me and complaining about what was going on in patrol. (O. Rodriguez Depo., 248:23 - 249:12)

Grounds for Objection: No. 167:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 167 Sustained _____

Overruled _____

Objection No. 168.

"A. And I probably told him and the others this, what I'm about to tell you, more than once because I'll be willing to bet I must have said this at least two dozen times. "You have three choices. You report it, you don't report it and do -- do absolutely nothing and you ignore it, which I don't suggest, or you take matters into your own hands and speak to these people directly, which I also don't suggest." And I told them, "By you coming to me and telling me what you're telling me is putting me on the spot because you are looking for advice. You are not looking to report

1 this. You are coming to me trying to say, 'What do I do? I want this to stop.' But in telling me,
2 you are forcing me to report it because I'm going to." And I must have said that at least on -- I
3 would say safe to say probably a dozen occasions, maybe even more, to these individuals. And
4 that's what I did. I reported it.

5 Q. Who did you report it to?

6 A. Some of it to Chief Stehr. Some of it to Deputy Chief Taylor. Some of it to Captain Pat Lynch
7 because these were patrol officers, and that was his division at the time.

8 Q. Did you report it verbally or in writing?

9 A. Verbally.

10 Q. Why didn't --

11 A. I'm sorry. There may have been a few occasions that I reported it in writing." (0. Rodriguez
12 Depo., 319:9 - 320:14)

13 **Grounds for Objection: No. 168:**

14 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
15 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
16 Code § 1200), and vague.

17 Childs attempted to submit the same evidence in opposition to Defendant's summary
18 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
19 same grounds.

20 **Court's Ruling on Objection: No. 168** **Sustained** _____

21 **Overruled** _____

22 **Objection No. 169.**

23 "A. I don't recall the time period. It was obviously before I was put on administrative leave. I
24 talked to Karagiosian, and he said - he started talking to me about more of this race-based issue.
25 And I know that it was going down that line. I -- it all comes together. There was many
26 complaints. I don't recall exactly what he was talking to me about or where I was. But he says,
27 "Have you" -- "Have you gone by the investigation division white board lately?" And I had to
28 clarify with him what he was talking about. And he said, "The one in the far corner near the sink."
29 And I said, "No." And he goes, "Why don't you go take a look." And I said, "What's up there?"
30 He goes, "Just go ahead. Go take a look. Go look for yourself." So I -- I walk over there, and on
31 the grease board, there's these quotes written on the board, things that I've commonly -- I've
32 heard in the past at the Burbank Police Department when people are describing Armenians.

33 Q. Do you remember any of the comments?

1 A. I recall one of them, and it said in quotes - I don't know in what order it was in, but it was
2 something to the effect, "100 percent ...my friend."

3 Q. Okay. So it was comments like, "100 percent...my friend." "I tell you everything 100
4 percent." "What do you want me to know?" Things like that; right?

5 A. Yes." (O. Rodriguez Depo., 339:4 -340:11)

6 **Grounds for Objection: No. 169:**

7 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
8 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
9 Code § 800), inadmissible hearsay (Evid. Code §1200), and vague.

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 169** Sustained _____

14 Overruled _____

15 **Objection No. 170.**

16 "A. I have heard him -- and I can't -- I don't have an independent recollection word for word what
17 he has said. But I have heard him make comments -- and I will explain those in minute, comments
18 regarding African-Americans, Armenians, and Hispanics." (O. Rodriguez Depo., 352:7-11)

19 **Grounds for Objection: No. 170:**

20 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
21 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
22 Code §1200), and vague.

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.

26 **Court's Ruling on Objection: No. 170** Sustained _____

27 Overruled _____

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Objection No. 171.

"A. Those -- totality of not hiring minorities and making comments such as -- I've heard him call Hispanics "Julio" and "Juan" openly, you know, in -- in front of me and in front of Chris Racina. And separately, just -- you know, with me referring to Hispanics throughout the years. Particularly when I was a rookie officer and he was a training officer, he used the word "wetback," "Julio," "Juan" to refer to Hispanics." (O. Rodriguez Depo., 369:10-17)

Grounds for Objection: No. 171:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code §1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 171 **Sustained** _____
Overruled _____

Objection No. 172.

"A. As an officer and a detective, and when I was that rank, as officer or detective, I've heard Schiffner use the "N" word to individuals directly to their face, to African-Americans. Terms like "wetback." Just being vicious, mean to people to their face." (O. Rodriguez Depo., 374:23-375:2)

Grounds for Objection: No. 172:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code §1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

1 **Court's Ruling on Objection: No. 172** Sustained _____

2 **Overruled** _____

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4 **Objection No. 173.**

5 "A. Angelo, like some other particular people in our department, is a -- in a class all by
6 themselves. He -- he is uncontrollable to the point where even when a supervisor's there, he will
7 continue with his - with making his comments, even when he's pulled away from situations. He
8 just won't stop. I've heard him use -- the language I've heard him use the most -- the term I've
9 heard him use the most repeatedly is "zog" to describe minorities. He has -- I've heard him use the
"N" word. I've heard him say racial comments. I can't tell you exactly which ones. But talking
bad about Armenians, Hispanics. I've never heard him say anything against women or anything
like that. But definitely the different races. In particular, he has a definite hatred towards the
Armenian community.

10 Q. Have -- the comments that you've heard, have they been towards the criminal element, or have
they been towards fellow officers?

11 A. I don't think I've ever heard Angelo make" (0. Rodriguez Depo., 376:13 - 377:7)

12 **Grounds for Objection: No. 173:**

13 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210,350-
14 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
15 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

16 Childs attempted to submit the same evidence in opposition to Defendant's summary
17 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
18 same grounds.

19 **Court's Ruling on Objection: No. 173** Sustained _____

20 **Overruled** _____

21
22
23 **Objection No. 174.**

24 "particular, he has a definite hatred towards the Armenian community.

25 Q. Have -- the comments that you've heard, have they been towards the criminal element, or have
26 they been towards fellow officers?

27 A. I don't think I've ever heard Angelo make comments -- I'd have to really think about it. I don't
28 think I've ever heard him make comments against officers. I've heard him make comments
towards employees -- civilian employees in the police department, and definitely towards citizens.
Not just suspects. Citizens. (0. Rodriguez Depo., 377:2-13)

1 **Grounds for Objection: No. 174:**

2 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210,350-
3 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
4 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

5 Childs attempted to submit the same evidence in opposition to Defendant's summary
6 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
7 same grounds.

8 **Court's Ruling on Objection: No. 174 Sustained _____**

9 **Overruled _____**

10
11 **Objection No. 175.**

12 "A. Because it's -- they're referring to criminals. I'll give you a perfect example. During the pet
13 shop murder over on Victory -- I can't remember when that was. Tim? I know he investigated
14 some of it. There was some good work being done there. They used Amen Demenjian as a
15 translator. Amen was on me for about a week telling me, "These people are racist." And I go,
"Who are you talking about?" And he goes, "The" -- "The investigators and these supervisors.
Everyone is referring to us as 'these animals' or 'these people,' calling us 'Amos.' Calling us
this." (0. Rodriguez Depo., 384:23 - 385:12)

16 **Grounds for Objection: No. 175:**

17 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210,350-
18 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
19 Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

20 Childs attempted to submit the same evidence in opposition to Defendant's summary
21 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
22 same grounds.

23 **Court's Ruling on Objection: No. 175 Sustained _____**

24 **Overruled _____**

OBJECTIONS TO EXHIBIT H - DEPOSITION TESTIMONY OF DANIEL ARNOLD

Objection No. 176.

"And the civil issues that happened that were there just made it uncomfortable because of racial remarks, attitudes toward different races, constant barrage of racial humor, the lack of integrity in terms of how they reported my duties and training." (Arnold Depo., 36:19-24)

Grounds for Objection: No. 176:

The witness fails to identify who engaged in the alleged conduct, when the events occurred, or the context in which they occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 176 Sustained _____

Overruled _____

Objection No. 177.

"The word that I am uncomfortable with, but "nigger" seemed to be used there like just common conversation." (Arnold Depo. 37:19-21)

Grounds for Objection: No. 177:

The witness fails to identify who engaged in the alleged conduct, when the events occurred, or the context in which they occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

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2 **Court's Ruling on Objection: No. 177** Sustained _____

3 Overruled _____

4
5 **Objection No. 178.**

6 "Q. Did you ever hear anyone use it in roll call in front of Jamal?

7 A. I did. That's probably one of the worst recollections in my memory, and I don't think I will
8 ever forget it.

9 Q. Please tell me what happened

10 MS. SAVITT: Move to strike everything after "I did" as not responsive to the question.

11 THE WITNESS: I was sitting in training with Jamal Childs one day. It was just the two of us in
12 front, and I remember specifically at that time there was a black woman who was seen quite a bit
13 in the south end of Burbank near some high-rise buildings on Olive. She had been seen there for
14 several evenings and we were getting information about her in roll call, which is our briefings
15 about what happens, you know, in the city the days before or the day before we go on duty. And
16 from the back of the room, and I couldn't tell you who said it because you don't turn around in
17 (Arnold Depo., 39:6-23)

18 **Grounds for Objection: No. 178:**

19 The witness fails to identify who engaged in the alleged conduct, when the events
20 occurred, or the context in which they occurred and thus the testimony lacks foundation (Evid.
21 Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid.
22 Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code
23 § 1200).

24 Childs attempted to submit the same evidence in opposition to Defendant's summary
25 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
26 same grounds.

27 **Court's Ruling on Objection: No. 178** Sustained _____

28 Overruled _____

Objection No. 179.

“Q. Did you ever hear Mike Parrinello use any language which you believe to be racially insensitive?”

MS. SAVITT: Same objections.

THE WITNESS: Yes, but not in the same context. It was more of a comment made with a certain type of inflection in his voice.

BY MR. GRESEN: Q. What was the comment?

MS. SAVITT: Calls for a conclusion -

THE WITNESS: There was a -

MS. SAVITT: Lacks foundation.

MR. GRESEN: Wait, wait, wait.

THE WITNESS: I'm sorry.

MR. GRESEN: When counsel objects, we need to wait for her to place her objection on the record before answering. So would you please re-read the question.

(Question read.)

MR. GRESEN: Ms. Savitt?

MS. SAVITT: I don't have any objection to that question.

MR. GRESEN: Okay.

MS. SAVITT: If he's responsive to the question.

BY MR. GRESEN: Q. What was the comment that you heard?

A. After we had stopped I would say a black male in his probably late teens, early 20's riding a bicycle through Burbank and he had told -- I mean, when we lit him up, he just in utter defeat just got off his bike and set his bike down. We walked up to him and he's like, "Man, this is like the fifth time I have been stopped between Alameda and Olive." You know, he had just been like hassled like every block. And we confirmed that he had already been run and checked out. He was on his way through the city. We got back in the car, and it was like to the -the comment was like, you know, "Well, then don't ride your ass through Burbank at night," that kind of thing. You know, you could tell it was done in, I don't know, kind of a Ebonics-type of inflection, if you will. And I thought that was, you know, pretty specific." (Arnold Depo., 44:13-46:6)

Grounds for Objection: No. 179:

The witness fails to identify when the alleged event occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 10,350-351),

conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 179 Sustained _____

Overruled _____

Objection No. 180.

"A: What do you call a black man sitting in a tree with a bunch of monkeys? The punch line was: Branch manager." (Arnold Depo., 49:14-16)

Grounds for Objection: No. 180:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 180 Sustained _____

Overruled _____

Objection No. 181.

What do you call, I don't know the number, let's say one thousand niggers at the bottom of the ocean? A good start." (Arnold Depo., 49:17-19)

Grounds for Objection: No. 181:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code

§ 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 181 Sustained _____

Overruled _____

Objection No. 182.

"A football field of niggers buried up to their necks? Afro turf." (Arnold Depo., 49:20-21.)

Grounds for Objection: No. 182

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 182 Sustained _____

Overruled _____

Objection No. 183.

"Q. Any other race-based humor that you recall?

MS. SAVITT: Calls for a conclusion.

THE WITNESS: Mexican humor. Not so much humor, but Armenian issues. (Arnold Depo., 49:25-50:3)

1 **Grounds for Objection: No. 183:**

2 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
3 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
4 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
5 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

6 Childs attempted to submit the same evidence in opposition to Defendant's summary
7 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
8 same grounds.

9 **Court's Ruling on Objection: No. 183 Sustained _____**

10 **Overruled _____**

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13 **Objection No. 184.**

14 "A. Yeah, there was one specific that I remember hearing in roll call. It was -- I don't know if I
15 I'm going to remember the joke completely, but it is something to the effect of how come there
16 were only 2,000 Mexicans at the Alamo, and the punch line was: There was only one car.(Arnold
Depo., 50:20-25.)

17 **Grounds for Objection: No. 184:**

18 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
19 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
20 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
21 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

22 Childs attempted to submit the same evidence in opposition to Defendant's summary
23 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
24 same grounds.

25 **Court's Ruling on Objection: No. 184 Sustained _____**

26 **Overruled _____**

Objection No. 185.

“Q. Do you recall the identity of any of the individuals who told any of the jokes that you related to me?

A. Like I said, it was all from the back at roll call.

Q. These jokes were told at roll call?

MS. SAVITT: I’m going to move to strike as not responsive to the question.

MR. GRESEN: Let me ask you a new question.

Q. Were these jokes told at roll call?

A. A lot of them.” (Arnold Depo., 51:8-18.)

Grounds for Objection: No. 185:

The witness fails to identify who engaged in the alleged conduct or when the alleged conduct occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant’s summary judgment papers as to Childs and the Court sustained Defendant’s objection based on these very same grounds.

Court’s Ruling on Objection: No. 185 Sustained _____

Overruled _____

Objection No. 186.

“Other than those two terms, do you recall any other terms that you heard while working for the city of Burbank that were used by officers to describe black people?

MS. SAVITT: Asked and answered; calls for a conclusion and opinion.

THE WITNESS: ‘Sambo.’ I would say within that time, ‘porch monkey.’” (Arnold Depo., 53:20-54:2.)

Grounds for Objection: No. 186:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code

1 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
2 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

3 Childs attempted to submit the same evidence in opposition to Defendant's summary
4 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
5 same grounds.

6 **Court's Ruling on Objection: No. 186** Sustained _____

7 Overruled _____

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9 **Objection No. 187.**

10 "Other than those two terms, do you recall any other terms that you heard while working for the
11 city of Burbank that were used by officers to describe black people?"

12 MS. SAVITT: Asked and answered; calls for a conclusion and opinion.

13 THE WITNESS: 'Sambo.' I would say within that time, 'porch monkey.'" (Arnold Depo., 53:20-
14 54:2.)

14 **Grounds for Objection: No. 187**

15 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
16 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
17 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
18 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

19 Childs attempted to submit the same evidence in opposition to Defendant's summary
20 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
21 same grounds.

22 **Court's Ruling on Objection: No. 187** Sustained _____

23 Overruled _____

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26 **Objection No. 188.**

27 "Q. Now, you say Mexicans. In your experience, did the officers you worked with use Mexican
28 interchangeably with Hispanic at the Burbank Police Department?"

MS. SAVITT: Calls for a conclusion; lacks foundation; incomplete hypothetical; overbroad.

1 THE WITNESS: I don't think I ever heard anyone say "Hispanic."

2 BY MR. GRESEN: Q. What did you hear them say to refer to Latino people?

3 A. Usually "Mexican" or -- I can't -- I don't recall the exact terminology that was used, but it was
4 never "Hispanic" unless it was on a report." (Arnold Depo., 53:1-14.)

5 **Grounds for Objection: No. 188:**

6 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
7 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
8 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
9 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 188** Sustained _____

14 Overruled _____

15
16 **Objection No. 189.**

17 "Q. Now, you say Mexicans. In your experience, did the officers you worked with use Mexican
18 interchangeably with Hispanic at the Burbank Police Department?

19 MS. SAVITT: Calls for a conclusion; lacks foundation; incomplete hypothetical; overbroad.

20 THE WITNESS: I don't think I ever heard anyone say "Hispanic." (Arnold Depo., 53:1-8.)

21 **Grounds for Objection: No. 189:**

22 The witness fails to identify the dates referred to in the testimony and thus the testimony
23 lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-
24 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad and
25 incomplete hypothetical, and inadmissible hearsay (Evid. Code § 1200).

26 Childs attempted to submit the same evidence in opposition to Defendant's summary
27 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
28 same grounds.

Overruled _____

"Q. Okay. Did you ever hear Armenians referred to as "sand niggers"?"

Grounds for Objection: No. 190:

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Overruled _____

“Q. Did you ever hear Hispanics referred to as “paco”?

THE WITNESS: Yes.

MS. SAVITT: Same objections.

Grounds for Objection: No. 191:

**Mitchell
Silberberg &
Knupp LLP**

1 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
2 § 702), speculative (Evid. Code § 702), vague, overbroad and inadmissible hearsay (Evid. Code
3 § 1200).

4 Childs attempted to submit the same evidence in opposition to Defendant's summary
5 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
6 same grounds.

7 **Court's Ruling on Objection: No. 191** Sustained _____

8 Overruled _____

9
10 **Objection No. 192.**

11 'Q. Did you ever hear Armenians referred to as "towel heads"?

12 A. I don't know if that was Armenian-specific, but the term was used for Middle Eastern descent."
13 (Arnold Depo., 57:2-5)

14 **Grounds for Objection: No. 192:**

15 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
16 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
17 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
18 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

19 Childs attempted to submit the same evidence in opposition to Defendant's summary
20 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
21 same grounds.

22 **Court's Ruling on Objection: No. 192** Sustained _____

23 Overruled _____

24 **Objection No. 193.**

25 "Q. Did you hear the term "wetback" used by Burbank police officers to describe Latinos?

26 MS. SAVITT: Same objections.

27 THE WITNESS: I believe so." (Arnold Depo., 59:15-18)

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Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

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MS. SAVITT: Vague and ambiguous; unintelligible; calls for a conclusion.

BY MR. GRESSEN: Q. Okay. When they would use these comments, were they laughing about it?

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1 **Court's Ruling on Objection: No. 194 Sustained** _____

2 **Overruled** _____

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4 **Objection No. 195.**

5 "Q. 'Juan Doe'?"

6 A. Yes.

7 Q. How did you learn that suspects were being booked in as "Juan Doe"?

8 A. General overheard conversation." (Arnold Depo., 68: 16-20.)

9
10 **Grounds for Objection: No. 195:**

11 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
12 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
13 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
14 § 702), speculative (Evid. Code § 702), vague, ambiguous, incomplete hypothetical, and
15 inadmissible hearsay (Evid. Code § 1200).

16 Childs attempted to submit the same evidence in opposition to Defendant's summary
17 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
18 same grounds.

19 **Court's Ruling on Objection: No. 195 Sustained** _____

20 **Overruled** _____

21
22 **Objection No. 196.**

23 "Q. Did you ever hear any Burbank officer opine to you that women had no business being on the
24 police force?"

25 A. Yes.(Arnold Depo., 69:15-1 8)

26 **Grounds for Objection: No. 196:**

27 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
28 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code

1 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
2 § 702), speculative (Evid. Code § 702), vague, ambiguous, incomplete hypothetical, and
3 inadmissible hearsay (Evid. Code § 1200). Childs attempted to submit the same evidence in
4 opposition to Defendant's summary judgment papers as to Childs and the Court sustained
5 Defendant's objection based on these very same grounds).

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7 **Court's Ruling on Objection: No. 196** Sustained _____

8 Overruled _____

9
10 **Objection No. 197.**

11 "Q . Did you ever hear anybody refer to mixed race individuals -- let me rephrase that. Did you
12 ever hear any Burbank police officers refer to mixed race individuals as "half breeds"?"

13 A. Yes." (Arnold Depo., 72:4-8.)

14 **Grounds for Objection: No. 197:**

15 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
16 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
17 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
18 § 702), speculative (Evid. Code § 702), vague and inadmissible hearsay (Evid. Code § 1200).

19 Childs attempted to submit the same evidence in opposition to Defendant's summary
20 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
21 same grounds.

22 **Court's Ruling on Objection: No. 197** Sustained _____

23 Overruled _____

24
25 **Objection No. 198.**

26 "A. Well, I can do it in an example, if I may. If you were a white male walking your dog at night
27 in the city of Burbank and you didn't look like you were what we would call a tweaker or
28 someone who was using drugs or if you weren't sneaking around, you were just walking down the
street, the chances of talking to you were slim to none. If you were a minority walking through the
city at night, you were getting talked to every time. If you were an Armenian, officers would what

1 we call post up. They would sit up on the hill near some of the Armenian clubs down near the
2 south end, and they would specifically wait for Armenians to leave clubs so that they could effect
3 traffic stops, and then they would joke about the conversation they would have in an Armenian-
type dialect. There was little chance, if you were an African-American person walking through the
city at night, that you wouldn't get talked to at some point." (Arnold Depo., 75:6-24)

4 **Grounds for Objection: No. 198:**

5 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
6 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
7 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
8 § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800),
9 argumentative, and inadmissible hearsay (Evid. Code § 1200).

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 198** Sustained _____

14 Overruled _____

15
16 **Objection No. 199.**

17 Q. "What do you mean by "targeted in the city"?"

18 A. "Well, I can do it in an example, if I may. If you were a white male walking your dog at night
19 in the city of Burbank and you didn't look like you were what we would call a tweaker or
20 someone who was using drugs or if you weren't sneaking around, you were just walking down the
street, the chances of talking to you were slim to none. If you were a minority walking through the
21 city at night, you were getting talked to every time. If you were an Armenian, officers would what
we call post up. They would sit up on the hill near some of the Armenian clubs down near the
22 south end, and they would specifically wait for Armenians to leave clubs so that they could effect
traffic stops, and then they would joke about the conversation they would have in an Armenian-
type dialect. There was little chance, if you were an African-American person walking through the
city at night, that you wouldn't get talked to at some point." (Arnold Depo., 75:5-25)

23 **Grounds for Objection: No. 199:**

24 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
25 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
26 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
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§ 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), argumentative, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 199 Sustained _____

Overruled _____

Objection No. 200.

A. "Well, I can do it in an example, if I may. If you were a white male walking your dog at night in the city of Burbank and you didn't look like you were what we would call a tweaker or someone who was using drugs or if you weren't sneaking around, you were just walking down the street, the chances of talking to you were slim to none. If you were a minority walking through the city at night, you were getting talked to every time. If you were an Armenian, officers would what we call post up. They would sit up on the hill near some of the Armenian clubs down near the south end, and they would specifically wait for Armenians to leave clubs so that they could effect traffic stops, and then they would joke about the conversation they would have in an Armenian-type dialect. There was little chance, if you were an African-American person walking through the city at night, that you wouldn't get talked to at some point." (Arnold Depo., 75:6-25)

Grounds for Objection: No. 200:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), argumentative, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 200 Sustained _____

Overruled _____

1 **Objection No. 201.**

2 "Q. Okay. Did you personally observe minorities being treated differently during routine stops by
3 officers?

4 MS. SAVITT: Lacks foundation; calls for speculation; calls for a conclusion; vague." (Arnold
5 Depo., 79:4-8)

6 **Grounds for Objection: No. 201:**

7 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
8 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
9 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
10 § 702), speculative (Evid. Code § 702), vague and inadmissible hearsay (Evid. Code § 1200).

11 Childs attempted to submit the same evidence in opposition to Defendant's summary
12 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
13 same grounds.

14 **Court's Ruling on Objection: No. 201** Sustained _____

15 Overruled _____

16 **Objection No. 202.**

17 Q. Did you ever hear any officer use the term -- excuse me -- "me fucky-sucky" to refer to Asian
18 people?

19 A. Not on a specific stop, but I have heard the language.

20 Q. Do you recall by whom?

21 A. No." (Arnold Depo., 80:9-15)

22 **Grounds for Objection: No. 202:**

23 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
24 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
25 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
26 § 702), speculative (Evid. Code § 702), vague and inadmissible hearsay (Evid. Code § 1200).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 202** Sustained _____

5 Overruled _____

6
7
8 **Objection No. 203.**

9 "Q. Anything else?

10 A. Kind of the typical 'Hey, Joe,' that kind of like 'Hey, Joe. You like good time, Joe,' that kind
11 of stuff. The word 'Joe' was used a lot." (Arnold Depo., 80:22-25.)

12 **Grounds for Objection: No. 203:**

13 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
14 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
15 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
16 § 702), speculative (Evid. Code § 702), vague and inadmissible hearsay (Evid. Code § 1200).

17 Childs attempted to submit the same evidence in opposition to Defendant's summary
18 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
19 same grounds.

20 **Court's Ruling on Objection: No. 203** Sustained _____

21 Overruled _____

22
23 **Objection No. 204.**

24 Q. Do you recall specifically what that terminology was that she complained about?

25 A. Yeah. When two females ride together in a car, they called it a "tuna boat." They referred to
26 females as "split tails." Those were the two that jump right out at me." (Arnold Depo., 91:5-10)

27 **Grounds for Objection: No. 204:**

28 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code

§ 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 204 Sustained _____

Overruled _____

OBJECTIONS TO EXHIBIT I – DEPOSITION TESTIMONY OF LIEUTENANT JON

MURPHY

Objection No. 205.

"THE WITNESS: My best recollection was that the chief had made a comment about he can remember a time when they would say the "N" word at role calls.

BY MR. GRESSEN: Q And did the chief use the full "N" word, or did he say the "N" word? Did Chief use -- let me ask it this way -- and I apologize for the language, but it is what it is. Did the chief say "N word," or did the chief say the word "nigger"? And you can say the former or the latter. Your choice.

A He said the full complete word." (Murphy Depo., 54:7-19.)

Grounds for Objection: No. 205:

The witness fails to identify when the alleged conduct occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

1 **Court's Ruling on Objection: No. 205 Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 206.**

5 "Q Did you ever hear an officer use the term "wet back" to refer to an Hispanic?

6 MS. SAVITT: Same objections.

7 THE WITNESS: As an officer in the department?

8 MR. GRESEN: Yes.

9 THE WITNESS: Yeah, I believe that -- yes, sir." (Murphy Depo., 82:13-20.)

10 **Grounds for Objection: No. 206:**

11 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
12 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
13 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
14 § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code
15 § 1200).

16 Childs attempted to submit the same evidence in opposition to Defendant's summary
17 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
18 same grounds.

19 **Court's Ruling on Objection: No. 206 Sustained _____**

20 **Overruled _____**

21
22 **Objection No. 207.**

23 "Q Have you ever heard a sworn officer use the term "Beaner"?

24 MS. SAVITT: Same objections.

25 THE WITNESS: Yes, sir. And my same response is it's been years." (Murphy Depo., 82:24-83:3.)

26 **Grounds for Objection: No. 207:**

27 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
28 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code

§ 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 207 Sustained _____

Overruled _____

Objection No. 208.

"Q Okay. How about using the term "taco vendor" to refer to a Latino?

MS. SAVITT: Same objections.

THE WITNESS: Yes, sir. I've heard that. Again, it's been years." (Murphy Depo., 83:5-9.)

Grounds for Objection: No. 208:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 208 Sustained _____

Overruled _____

Objection No. 209.

"Q Okay. Other than Chief Stehr using the "N" word as we've discussed, have you heard other officers using the "N" word within the department?

MS. SAVITT: Same objections.

1 THE WITNESS: Not to say that I haven't heard it, but it's been years." (Murphy Depo., 84:8-14.)

2 **Grounds for Objection: No. 209:**

3 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
4 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
5 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
6 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).
7 Further, to the extent that "its been years" since alleged conduct occurred, the conduct is outside
8 the applicable statute of limitations period, and the testimony is thus irrelevant and inadmissible.

9 Childs attempted to submit the same evidence in opposition to Defendant's summary
10 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
11 same grounds.

12 **Court's Ruling on Objection: No. 209** Sustained _____

13 Overruled _____

14
15 **Objection No. 210.**

16 "Q Okay. Have you heard people being referred to as "fags" by police officers?

17 MS. SAVITT: Same objections, also irrelevant.

18 THE WITNESS: Yes, sir. I've heard the term, but I can't recall specifics as to when. It's been a
19 while." (Murphy Depo., 85:5-11.)

20 **Grounds for Objection: No. 210:**

21 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
22 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
23 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
24 § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code
25 § 1200).

26 Childs attempted to submit the same evidence in opposition to Defendant's summary
27 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
28 same grounds.

1 **Court's Ruling on Objection: No. 210 Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 211.**

5 “Q Have you heard police officers use the term “dikes” -

6 MS. SAVITT: Same objections -

7 BY MR. GRESSEN: Q -- to refer to females, regardless of their sexual orientation?

8 A I’ve heard that. It’s been years.” (Murphy Depo., 85:13- 19.)

9 **Grounds for Objection: No. 211:**

10 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
11 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
12 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
13 § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code
14 § 1200). Further, to the extent that “its been years” since alleged conduct occurred, the conduct is
15 outside the applicable statute of limitations period, and the testimony is thus irrelevant and
16 inadmissible.

17 Childs attempted to submit the same evidence in opposition to Defendant’s summary
18 judgment papers as to Childs and the Court sustained Defendant’s objection based on these very
19 same grounds.

20 **Court's Ruling on Objection: No. 211: Sustained _____**

21 **Overruled _____**

22
23 **OBJECTIONS TO EXHIBIT J – DEPOSITION TESTIMONY OF ANGELO RAY**

24 **DAHLIA**

25 **Objection No. 212.**

26 “Q Other than Omar Rodriguez, did you hear anyone else within the police department ever use
27 the word zog?

28 A Yes.

Q Who?

1 MS. SAVITT: Overbroad. Calls for a conclusion. Lacks foundation. Irrelevant. Not reasonably
calculated to lead to the discovery of admissible evidence.

2 MR. PERRY: If you're aware of anybody else, then you can --

3 THE WITNESS: Numerous people.

4 BY MR. GRESSEN:

5 Q Can you identify any of them?

6 A No.

7 Q Anybody -- ever hear anybody other than -- By numerous people, is that more than five?

8 A Yes.

9 Q More than ten?

10 A Yes.

11 Q More than 20?

12 A I don't know." (Dahlia Depo., 12 1 :7-122:2)

13 **Grounds for Objection: No. 212:**

14 The witness fails to identify the "numerous people" who engaged in the alleged conduct,
15 when the alleged conduct occurred, or the context in which it occurred and thus the testimony
16 lacks foundation (Evid. Code. § 403). The testimony is also irrelevant (Evid. Code. §§ 210, 350-
17 351); conclusory (Evid. Code. § 702), speculative (Evid. Code § 702); vague, and inadmissible
18 hearsay (Evid. Code § 1200).

19 Childs attempted to submit the same evidence in opposition to Defendant's summary
20 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
21 same grounds.

22 **Court's Ruling on Objection: No. 212 Sustained _____**

23 **Overruled _____**

24 **Objection No. 213.**

25 "Q Okay. Anybody else other than Omar Rodriguez you ever hear use the term miate?

26 A Yes.

1 Q Who?

2 MS. SAVITT: Same objection.

3 THE WITNESS: I heard Edgar say it before.

4 BY MR. GRESEN: Q Anybody else?

5 A Jose.

6 Q Anybody else?

7 A Kind of hard to say. I mean, in general, in the streets, you hear it.

8 Q I'm talking about --

9 A I know --

10 Q. -- police officers.

11 A I know. I'm trying. That's what I mean. No, not that I can recall.

12 Q When was the most recent time you heard someone use the term miate?

13 A I'm not 100 percent sure.

14 Q Within the last year?

15 A Possibly." (Dahlia Depo., 122:8-123:4)

16 **Grounds for Objection: No. 213:**

17 The witness fails to identify when the alleged conduct occurred or the context in which it
18 occurred and thus the testimony lacks foundation (Evid. Code. § 403). The testimony is also
19 irrelevant (Evid. Code. §§ 210, 350-351); conclusory (Evid. Code. § 702), speculative (Evid. Code
20 § 702); vague, and inadmissible hearsay (Evid. Code § 1200).

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 213 Sustained _____**

25 **Overruled _____**

26

27

Objection No. 214.

28

"Q Did you ever hear anyone else other than Omar Rodriguez use the word black MF?

1 A Yes.

2 Q Who?

3 A Over 20 years, I have heard it, but I can't specifically say who.

4 Q Okay. Over 20 years you've heard it a number of times?

5 A A few times, yes." (Dahlia Depo., 123:5-13.)

6 **Grounds for Objection: No. 214:**

7 The witness fails to identify who [other than Omar Rodriguez] engaged in the alleged
8 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
9 testimony lacks foundation (Evid. Code. § 403). The testimony is also irrelevant (Evid. Code. §§
10 210, 350-351); conclusory (Evid. Code. § 702), speculative (Evid. Code § 702); vague, and
11 inadmissible hearsay (Evid. Code § 1200).

12 Childs attempted to submit the same evidence in opposition to Defendant's summary
13 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
14 same grounds.

15 **Court's Ruling on Objection: No. 214 Sustained _____**

16 **Overruled _____**

17

18

19 **Objection No. 215.**

20

21 "Q Ever hear anybody who was a police officer refer to a black as nigger?

22

23 A Yes." (Dahlia Depo., 123:23-25.)

24

25 **Grounds for Objection: No. 215:**

26

27 The witness fails to identify anyone who engaged in the alleged conduct, when the alleged
28 conduct occurred, or the context in which it occurred and thus the testimony lacks foundation
(Evid. Code. § 403). The testimony is also irrelevant (Evid. Code. §§ 210, 350-351); conclusory
(Evid. Code. § 702), speculative (Evid. Code § 702); vague, and inadmissible hearsay (Evid.
Code § 1200).

29

30

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 215 Sustained _____**

5 **Overruled _____**

6
7 **Objection No. 216.**

8 "Q Okay. Other than Omar Rodriguez, have you heard anybody use mojado, moe or mopes to
9 refer to Latinos?

10 A Yes.

11 Q Approximately how many people?

12 A 20-ish.

13 Q Who?

14 MS. SAVITT: Lacks foundation. Irrelevant. Overbroad.

15 THE WITNESS: Numerous law enforcement officers.

16 BY MR. GRESEN: Q Names?

17 A Numerous. I can't recall exactly whom.

18 Q Do you recall one name of one officer who used it other than Omar Rodriguez?

19 A Jose Duran.

20 Q Okay. Anybody else?

21 A Edgar Penaranda.

22 Q Anybody else?

23 A (No audible response.)

24 Q Ever hear a Caucasian officer use that term?

25 MS. SAVITT: Argumentative. Irrelevant.

26 BY MR. GRESEN: Q Ever hear a Caucasian officer use the term wetback?

27 A Yes.

28 Q Ever hear a Caucasian officer use the term miate?

1 A Yes.

2 Q Ever heard a Caucasian officer use the term Oreo?

3 A Yes." (Dahlia Depo., 129:24-13 1:6.)

4 **Grounds for Objection: No. 216:**

5 The witness fails to identify who [other than Omar Rodriguez, Jose Duran, and Edgar
6 Penaranda] engaged in the alleged conduct, when the alleged conduct occurred, or the context in
7 which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is
8 also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid.
9 Code § 702), vague, argumentative, and inadmissible hearsay (Evid. Code § 1200).

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 216 Sustained _____**

14 **Overruled _____**

15

16

Objection No. 217.

17

18 "Q Other than Omar Rodriguez, have you ever heard anybody, any police officer, use the term
19 wetback?

19 A Yes.

20 Q Who?

21 A Once again, numerous.

22 Q How many?

23 A Over 20 years, I mean, a lot of -- I don't know.

24 Q 30, 50 guys?

25 A No. I wouldn't say that much. Ten to 20.

26 Q When was the last time?

27 A Within the year, last year." (Dahlia Depo., 129:6-17)

28

1 **Grounds for Objection: No. 217:**

2 The witness fails to identify who [other than Omar Rodriguez] engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
6 inadmissible hearsay (Evid. Code § 1200).

7 Childs attempted to submit the same evidence in opposition to Defendant's summary
8 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
9 same grounds.

10 **Court's Ruling on Objection: No. 217 Sustained _____**

11 **Overruled _____**

12
13 **Objection No. 218.**

14 "A Yes.

15 Q Ever hear a Caucasian officer use the term nigger?

16 A Yes." (Dahlia Depo., 131:6-9.)

17 **Grounds for Objection: No. 218:**

18 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
19 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
20 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
21 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

22 Childs attempted to submit the same evidence in opposition to Defendant's summary
23 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
24 same grounds.

25 **Court's Ruling on Objection: No. 218 Sustained _____**

26 **Overruled _____**

Objection No. 219.

"Q Okay. Ever hear any officers in your tenure use the term spic?

A I would say I probably heard that, yes." (Dahlia Depo., 131:10-12.)

Grounds for Objection: No. 219:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 219 Sustained _____

Overruled _____

Objection No. 220.

"Q Have you ever heard any officer use any derogatory terms to refer to Armenians?

A Yes.

Q What terms?

MS. SAVITT: Calls for conclusion. Lacks foundation. Overbroad. Irrelevant.

THE WITNESS: Towel heads, sand nigger, ring Armenian. That's about it.

BY MR. GRESEN: Q How many officers have you heard use the term towel head to refer to Armenians?

A A number.

Q Again, somewhere around 20 or more?

MS. SAVITT: Lacks foundation. Argumentative.

THE WITNESS: Could be.

BY MR. GRESEN: Q Okay. And by "could be," does that mean that that's your best estimate is around 20 or more?

A I only have -- I don't associate with everybody, so ...

1 Q Just asking for your knowledge?

2 A Maybe 20." (Dahlia Depo., 132:6-133:2)

3 **Grounds for Objection: No. 220:**

4 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
5 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
6 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
7 702), speculative (Evid. Code § 702), vague, argumentative, and inadmissible hearsay (Evid. Code
8 § 1200).

9 Childs attempted to submit the same evidence in opposition to Defendant's summary
10 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
11 same grounds.

12 **Court's Ruling on Objection: No. 220 Sustained _____**

13 **Overruled _____**

14
15 **Objection No. 221.**

16 "Q When was the last time you heard somebody refer to an Armenian as towel head?

17 A Within the last year." (Dahlia Depo., 133:20-22.)

18 **Grounds for Objection: No. 221:**

19 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
20 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
21 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
22 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

23 Childs attempted to submit the same evidence in opposition to Defendant's summary
24 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
25 same grounds.
26
27

Court's Ruling on Objection: No. 221 Sustained_____

. Overruled _____

Objection No. 222.

"Q F-ing Armenian, how many officers have you heard say f-ing Armenian?

A A few.

Q Can you give me your best estimate as to how many?

A Five to ten.

Q When was the last time you heard that phrase used?

A Once, again, I'd say within the year. I don't remember who." (Dahlia Depo., 134: 14-23.)

Grounds for Objection: No. 222:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 222 Sustained

Overruled _____

Objection No. 223.

"Q Have you ever heard within the department the term Armo that refers to Armenians?

A Yes. Yes.

Q By who?

A Once, again, it's like figure of speech. I have heard it. I don't know by whom.

Q Do you know how many people, best estimate?

1 A I really don't.

2 Q Last time you heard the word Armo, referring to Armenians?

3 A Within the last year." (Dahlia Depo., 135:5-15)

4 **Grounds for Objection: No. 223:**

5 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
6 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
7 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
8 702), speculative (Evid. Code 702), vague, and inadmissible hearsay (Evid. Code 1200).

9 Childs attempted to submit the same evidence in opposition to Defendant's summary
10 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
11 same grounds.

12 **Court's Ruling on Objection: No. 223 Sustained _____**

13 **Overruled _____**

14

15

16 **Objection No. 224.**

17 "Q But more specifically, my question was, was there a language which was acceptable earlier on
18 in your career that's no longer acceptable today?

18 MS. SAVITT: Argumentative. Vague as to acceptable by whom. Irrelevant. Calls for an opinion
19 and a conclusion by this witness. Not reasonably calculated to lead to the discovery of admissible
evidence. Grossly overbroad.

20 MR. PERRY: If you have an answer in mind, you can answer.

21 THE WITNESS: I don't think it's ever been acceptable. It's just we all have been guilty of it.

22 BY MR. GRESEN: Q You have been guilty of using that language?

23 MS. SAVITT: Argumentative. Irrelevant.

24 THE WITNESS: Honestly, yes, I have used those terms. I'm not proud of it, but absolutely, I have.

25 BY MR. GRESEN: Q How recently?

26 MS. SAVITT: Same objections.

27 MR. PERRY: And to the extent that it might invade any personnel records, I'm going to object as
28 well.

1 MR. MICHAELS: By "how recently," I assume, you mean, other than in this deposition within the
last hour?

2 MR. GRESEN: Correct.

3 THE WITNESS: Within the last year." (Dahlia Depo., 140:23-141:25)

4 **Grounds for Objection: No. 224:**

5 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
6 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
7 Code § 800) vague, overbroad, and argumentative.

8 Childs attempted to submit the same evidence in opposition to Defendant's summary
9 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
10 same grounds.

11 **Court's Ruling on Objection: No. 224 Sustained _____**

12 **Overruled _____**

13
14
15 **Objection No. 225.**

16 "Q But more specifically, my question was, was there a language which was acceptable earlier on
17 in your career that's no longer acceptable today?

18 MS. SAVITT: Argumentative. Vague as to acceptable by whom. Irrelevant. Calls for an opinion
and a conclusion by this witness. Not reasonably calculated to lead to the discovery of admissible
19 evidence. Grossly overbroad.

20 MR. PERRY: If you have an answer in mind, you can answer.

21 THE WITNESS: I don't think it's ever been acceptable. It's just we all have been guilty of it."
(Dahlia Depo., 140:23-141:9)

22 **Grounds for Objection: No. 225:**

23 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
24 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid.
25 Code § 800) vague, overbroad, and argumentative.

26 Childs attempted to submit the same evidence in opposition to Defendant's summary
27 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
28 same grounds.

1 **Court's Ruling on Objection: No. 225 Sustained** _____

2 **Overruled** _____

3
4 **Objection No. 226.**

5 "Q Have you used the word nigger to refer to a black person while you have been working at the
6 police department?

7 MS. SAVITT: Same objections.

8 THE WITNESS: I may have." (Dahlia Depo., 145:19-23.)

9 **Grounds for Objection: No. 226:**

10 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
11 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, harassing,
12 and argumentative.

13 Childs attempted to submit the same evidence in opposition to Defendant's summary
14 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
15 same grounds.

16 **Court's Ruling on Objection: No. 226 Sustained** _____

17 **Overruled** _____

18
19 **Objection No. 227.**

20 "Q Okay. Have you called anyone -- Have you used the term wetback referring to a Latino while
21 you have been police officer at the police department?

22 MS. SAVITT: Same objection.

23 MR. PERRY: I mean is this in a discussion with other officers? I don't -- it's vague. I don't
24 understand.

25 MR. GRESEN: I'm just asking has he used it to refer to a Latino in any capacity for any reason.

26 MS. SAVITT: Same objections.

27 THE WITNESS: I'm saying I have used these words in the 20 years as well as just about
everybody on the police department. And it's not necessarily meant like directly. Like I said, it
could have been the heat of the battle or something. It's police talk. It's releases. It's stress releases.
28 It's all kinds of things. It's not used in a manner of -- to discriminate that person directly." (Dahlia
Depo., 146:11-147:4)

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Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Overruled _____

"THE WITNESS: It really is. I mean, to be held to certain numbers. It's very difficult. I think you realize that. I think everybody in this room realizes that. Terms are used, I would say, I have heard it from the majority of the people. And that's the honest truth, whether they -- whether you accept it or not, they're maybe not used in the context of personally attacking a person. It's an ugly business that we do. It's a stress relief sometimes. Is it right? No, it's not. Absolutely not. But I have used those words and so have other people." (Dahlia Depo., 147:22-148:7.)

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code § 1200).

Overruled _____

Objection No. 229.

" Q Okay. Did you attend a diversity training that was conducted by Niri Nahabidian?

A Yes, I did.

Q Do you recall how long that training lasted?

A I believe four hours, classroom.

Q After taking the -- After taking part in that course, did you have an opinion as to whether the course was worthwhile or not?

MS. SAVITT: Objection. Irrelevant. Argumentative. Calls for an opinion.

MR. PERRY: Do you understand the question?

THE WITNESS: Yeah, I did not think very highly of the class." (Dahlia Depo., 148:9-22.)

Grounds for Objection: No. 229:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, argumentative, and improper opinion (Evid. Code § 800).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 229 Sustained _____

Overruled _____

Objection No. 230.

"THE WITNESS: Unorganized, the structure was geared -- it wasn't really diversity training as much it appeared to be solely more geared towards the Armenian and Middle Eastern culture. And at the time, it appeared that it was kind of damage control. They had to do something with the department. It was just - it wasn't a really structured -- a really good structured class, in my opinion. That's just my opinion." (Dahlia Depo., 149: 1-8)

Grounds for Objection: No. 230:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, argumentative, and improper opinion (Evid. Code § 800).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 230 Sustained _____**

5 **Overruled _____**

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7 **Objection No. 231.**

8 "Q Approximately, how many police officers have you heard refer to Latinos as Julios?

9 A I have no idea.

10 Q More than five?

11 A I can't give you a number.

12 Q Okay. Did you hear it on more than one occasion?

13 A Yes." (Dahlia Depo., 197:18-25.

14 **Grounds for Objection: No. 231:**

15 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
16 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
17 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
18 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code §
19 1200).

20 Childs attempted to submit the same evidence in opposition to Defendant's summary
21 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
22 same grounds.

23 **Court's Ruling on Objection: No. 231 Sustained _____**

24 **Overruled _____**

25
26 **Objection No. 232.**

27 "Q Have you ever heard a police officer at the Burbank Police Department refer to women as
28 dykes?

1 A Yes.

2 Q On how many occasions?

3 A Maybe a couple.

4 Q How many police officers have you heard refer to women as dykes?

5 A I believe I said maybe a couple." (Dahlia Depo., 198:9-16.)

6 **Grounds for Objection: No. 232:**

7 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
8 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
9 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
10 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code §
11 1200).

12 Childs attempted to submit the same evidence in opposition to Defendant's summary
13 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
14 same grounds.

15 **Court's Ruling on Objection: No. 232 Sustained _____**

16 **Overruled _____**

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Objection No. 233.

19

20 "Have you ever heard any police officer at Burbank Police Department refer to certain men as
homos?

21 A Yes." (Dahlia Depo., 199:19-21.)

22 **Grounds for Objection: No. 233:**

23 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
24 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
25 § 403). The testimony is also irrelevant (Evid. Code § 210, 350-351), conclusory (Evid. Code §
26 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code §
27 1200).

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1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 233 Sustained _____**

5 **Overruled _____**

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Objection No. 234.

8

9 "Q Have you ever heard any police officers at the Burbank Police Department refer to individuals,
Latinos, as beaners?

10 A Over the course of 20 years, I would probably say I've heard that.

11 Q How often?

12 A I have no idea. Not very, not very many.

13 Q How many officers have you heard refer to Latinos as beaners?

14 A I have no idea." (Dahlia Depo., 201:10-19.)

15 **Grounds for Objection: No. 234:**

16 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
17 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
18 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
19 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code §
20 1200).

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 234 Sustained _____**

25 **Overruled _____**

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Objection No. 235.

"Q Have you heard police officers refer to Latinos without knowing their country of origin, just generally, as Mexicans?

A Sure.

Q When was the last time you heard that?

A Definitely within last year. That would be common if we're doing a report. If someone says suspect was a Mexican, Mexican male, Mexican female.

Q Is Mexican used interchangeably with Latino or Hispanic in the department?

MR. PERRY: Objection. Calls for opinion. Calls for speculation.

THE VIDEOGRAPHER: Overruled.

BY MR. GRESSEN: Q Yes?

A Yes, they do." (Dahlia Depo., 202:9-24.)

Grounds for Objection: No. 235:

The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 235 Sustained _____

Overruled _____

Objection No. 236.

"Q Have you referred to Latinos as Mexicans without knowing their country of origin?

A Yes. If I was describing somebody, suspect, maybe a Mexican male, in the heat of the battle, you might not be politically correct, if you say Latino, but you may say male Mexican and describe the clothing he was wearing, but, yeah.

Q Have you done that within the last year?

1 A Perhaps." (Dahlia Depo., 202:25-203:8.)

2 **Grounds for Objection: No. 236:**

3 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
4 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, argumentative, and
5 improper opinion (Evid. Code § 800).

6 Childs attempted to submit the same evidence in opposition to Defendant's summary
7 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
8 same grounds.

9 **Court's Ruling on Objection: No. 236 Sustained _____**

10 **Overruled _____**

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12 **Objection No. 237.**

13 "Q How about the term fucking Mexican? Have you ever heard officers refer to Latinos as fucking
14 Mexicans?

15 A Maybe." (Dahlia Depo., 203:9-12.)

16 **Grounds for Objection: No. 237:**

17 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
18 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
19 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
20 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 237 Sustained _____**

25 **Overruled _____**

Objection No. 238.

"Q Okay. How many black police officers in the department today are above the rank of police officer?

MS. SAVITT: That's irrelevant. Overbroad. Calls for speculation by this witness.

MR. GRESEN: He's been there for 20 years.

THE VIDEOGRAPHER: Hold on. Hold on. Do you have any idea?

THE WITNESS: I don't believe there's any. One has been there for a year and a half. The other's been there for maybe four years, so...

BY MR. GRESEN: Q Do you know how many African-American police officers there are in the Burbank Police Department total?

A I believe four. And two of them have just been -- they have less than a couple of years on. They're new hires." (Dahlia Depo., 205:4-20.)

Grounds for Objection: No. 238:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and overbroad.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 238 Sustained _____

Overruled _____

OBJECTIONS TO EXHIBIT K – DEPOSITION

TESTIMONY OF NAYIRI NAHABEDIAN

Objection No. 239.

"Q. Okay. What do you recall -- and I understand you're not going to recall exactly what was said. But in sum and substance, what was said between you and Chief Stehr in that first meeting?

A. Chief -- the chief let me know about specific issues within the department that were taking place and -- and had wanted me to do a training so that -- so that we could address some of those issues. And I -- I -- I gave -- I did what I usually do, which is give as much information as possible as to what a training could look like, how it could be done, what are some different ways that it could be done and - and what -- what I could help with and what I could possibly not help with. For example, long-term ideas that people hold and that four-hour training might -- might not -- is not going to perhaps change deep understandings that people have but the -- what -- what we could do is to -- and -- is to be able to change people -- impact people's behavior and -- and maybe

1 -- maybe also be able to impact their -- their attitudes and perspectives.” (Nahabedian Depo., 16:2-23.)

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3 **Grounds for Objection: No. 239:**

4 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800) and inadmissible hearsay (Evid. Code § 1200).

6 Childs attempted to submit the same evidence in opposition to Defendant’s summary judgment papers as to Childs and the Court sustained Defendant’s objection based on these very same grounds.

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10 **Court’s Ruling on Objection: No. 239: Sustained _____**

11 **Overruled _____**

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13 **Objection No. 240.**

14 “THE WITNESS: Okay. And so there weren’t any names of course, but there’s the idea that the chief had gotten information that -- that -that some officers were complaining, and I think that there was a note -- I remember something about a note being passed to him or given to him that expressed discontent with issues regarding discrimination and harassment. And that there was a case going on at the time and -- and -- and -- and -- and -- and some officers were being looked at or being, I guess -- I don’t know if the right word is investigated -- but being looked at in terms of whether or not these things had occurred. And so -- so that’s the information that -- that’s the information that I had and -- can you ask a . . .” (Nahabedian Depo., 19:24-20:13)

18 **Grounds for Objection: No. 240:**

19 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code § 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800) and inadmissible hearsay (Evid. Code § 1200).

22 **Court’s Ruling on Objection: No. 240: Sustained _____**

23 **Overruled _____**

24
25 **Objection No. 241.**

26 “ Q. Yeah, yeah, I’m just waiting for you to finish. Okay. You said that certain officers were being looked at or investigated. Was it your understanding that, from what the chief told you, that the department was conducting an investigation into some race-based issues in the department?

27
28 A. Yes.” (Nahabedian Depo., 20:15-21)

1 **Grounds for Objection: No. 241:**

2 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
3 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible
4 hearsay (Evid. Code § 1200).

5 Childs attempted to submit the same evidence in opposition to Defendant's summary
6 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
7 same grounds.

8 **Court's Ruling on Objection: No. 241: Sustained _____**

9 **Overruled _____**

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11 **Objection No. 242.**

12 "Q. And you suggested it -- well, let me ask it this way: You said that you discussed additional
13 trainings. Did you suggest additional trainings in that first meeting?

14 A. In that first training, you know, I think we were getting started; and so I think the idea of it
15 being -- and that sometimes it's done in an eight-hour period. Sometime it's done over a period of
16 time -- something that I mentioned. But we didn't plan on or I didn't -- we didn't plan on it.

17 Q. Did the chief tell you that he was doing this to avoid liability, words to that effect?

18 A. I -- let me see. I'm trying to think back and remember. That's what my silence is. The word
19 "liability" did come up and -- and I think the -- the thing -- yeah. Does that answer that question?
20 (Nahabedian Depo., 25:7-23)

21 **Grounds for Objection: No. 242:**

22 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
23 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
24 (Evid. Code § 800) and inadmissible hearsay (Evid. Code § 1200).

25 Childs attempted to submit the same evidence in opposition to Defendant's summary
26 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
27 same grounds.

28 **Court's Ruling on Objection: No. 242: Sustained _____**

Overruled _____

Objection No. 243.

"Q. And what did he tell you? How long prior to your meeting with him, did he tell you was their last training?

A. I think that I had -- have that written down somewhere, and I'm guessing it was seven, eight years ago but -- something like this.

Q. Is that your best estimate from your recollection, or is it just totally a guess?

A. You know, it's was either -- and I knew it at the time; but right now, as I'm thinking about it, it was either in, like, 1997; or it was about seven years ago or something like this." (Nahabedian Depo., 26:13-24.)

Grounds for Objection: No. 243:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 243: Sustained _____

Overruled _____

Objection No. 244.

"Q. That's fine. Did anybody - either Omar Rodriguez, Bill Taylor, or Chief Stehr - in that first meeting tell you that they were concerned with the use of the N-word in that department?

MS. HUREVITZ: Question is compound.

THE WITNESS: Okay. I'm listening. Did anyone -- the word, the N-word. There were a lot there were a few concerns about language and so -- and so that was -- I -- you know, my - let me make sure I'm remembering. I would say that that was part of it." (Nahabedian Depo., 30:19-31:15.)

Grounds for Objection: No. 244:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 244: Sustained _____**

5 **Overruled _____**

6
7 **Objection No. 245.**

8 "A. My impression was that it was about harassment in terms of based on either sexual – not
9 sexual, based on race, ethnicity, gender. So those were the issues that had taken place."
(Nahabedian Depo., 37:21-24.)

10 **Grounds for Objection: No. 245:**

11 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
12 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
13 (Evid. Code § 800) and inadmissible hearsay (Evid. Code § 1200).

14 Childs attempted to submit the same evidence in opposition to Defendant's summary
15 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
16 same grounds.

17 **Court's Ruling on Objection: No. 245: Sustained _____**

18 **Overruled _____**

19
20 **Objection No. 246.**

21 "Q. Okay. Did you hear any comments -- well, let's start with negative first. Did you hear any
22 negative comments about the training or training process from any of the people you were
training?"

23 A. Yes.

24 Q. How many negative comments did you receive?

25 A. How many negative comments did I receive?

26 Q. Yes.

27 A. There were negative comments at every training. How many at every training? Many."
28 (Nahabedian Depo., 40:12-22.)

1 **Grounds for Objection: No. 246:**

2 The witness fails to identify who made the alleged comments, when the alleged comments
3 occurred, or the context in which the comments were made and thus the testimony lacks
4 foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351),
5 conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay
6 (Evid. Code § 1200).

7 Childs attempted to submit the same evidence in opposition to Defendant's summary
8 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
9 same grounds.

10 **Court's Ruling on Objection: No. 246: Sustained _____**

11 **Overruled _____**

12
13 **Objection No. 247.**

14 "A. These few I can easily say because I went over them and I heard them many times. Let me
15 see. "We're doing this: It's a CYA." Another one would be, you know, when -- when -- let's see
16 how it goes. When someone doesn't -- when a - when someone from a minority group doesn't get,
17 you know, a promotion or this and that -- and I'm paraphrasing -- then they say it's racism.

18 Q. Any other complaints?" (Nahabedian Depo., 42:3-11.)

19 **Grounds for Objection: No. 247:**

20 The witness fails to identify who made the alleged comments, when the alleged comments
21 occurred, or the context in which the comments were made and thus the testimony lacks
22 foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351),
23 conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay
24 (Evid. Code § 1200).

25 Childs attempted to submit the same evidence in opposition to Defendant's summary
26 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
27 same grounds.

1 **Court's Ruling on Objection: No. 247: Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 248.**

5 "Q. Thank you. Did you hear the comment that, if they don't get a promotion, they complain
6 racism on more than one occasion?

7 A. Yes.

8 Q. Did you hear it on almost every session that you taught?

9 A. Almost every -- I -- I would say it was most -- it was on most." (Nahabedian Depo., 43:5-12.)

10 **Grounds for Objection: No. 248:**

11 The witness fails to identify who made the alleged comments, when the alleged comments
12 occurred, or the context in which the comments were made and thus the testimony lacks
13 foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351),
14 conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay
15 (Evid. Code 1200).

16 Childs attempted to submit the same evidence in opposition to Defendant's summary
17 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
18 same grounds.

19 **Court's Ruling on Objection: No. 248: Sustained _____**

20 **Overruled _____**

21 **Objection No. 249.**

22 "A. "Why do we have to change the way we do things? If they come to this country, they should --
23 they should -- we shouldn't have to learn about their ways." They should get with the program
24 basically.

25 Q. Did you hear this complaint on more than one occasion?

26 A. Yes." (Nahabedian Depo., 43:21-44:3.)

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1 **Court's Ruling on Objection: No. 250: Sustained _____**

2 **Overruled _____**

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4 **Objection No. 251.**

5 “Q. Did any of the officers tell you at the end of the training that they thought it was a waste of
6 time?”

7 A. Yes” (Nahabedian Depo., 52:7-10.)

8 **Grounds for Objection: No. 251:**

9 The witness fails to identify who made the alleged comments, when the alleged comments
10 occurred, or the context in which the comments were made and thus the testimony lacks
11 foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351),
12 conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay
13 (Evid. Code § 1200).

14 Childs attempted to submit the same evidence in opposition to Defendant's summary
15 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
16 same grounds.

17 **Court's Ruling on Objection: No. 251: Sustained _____**

18 **Overruled _____**

19
20 **Objection No. 252.**

21 “Q. Let me ask it this way: Please to the best of your recollection, tell me what was said at that
22 meeting.

23 A. Okay. So I said that -- you know, we had completed it and -- and other than the diversity-
24 related -- there were diversity-related issues, and there were, you know, other things that kind of
25 came up that were unrelated to it. And so I wanted to communicate that as well. So for . . .”
26 (Nahabedian Depo., 55:25-59:8.)

27 **Grounds for Objection: No. 252:**

28 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible
 hearsay (Evid. Code § 1200).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 252: Sustained _____**

5 **Overruled _____**

6
7 **Objection No. 253.**

8 "Q. Did you tell Chief Stehr or anyone else at a post-training meeting that you believe that the
9 department had a problem with its attitudes towards --

10 A. Yeah.

11 Q. -- separate races?

12 A. Yes." (Nahabedian Depo., 59:22-60:3)

13 **Grounds for Objection: No. 253:**

14 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
15 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
16 (Evid. Code § 800) and inadmissible hearsay (Evid. Code § 1200.)

17 Childs attempted to submit the same evidence in opposition to Defendant's summary
18 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
19 same grounds.

20 **Court's Ruling on Objection: No. 253: Sustained _____**

21 **Overruled _____**

22
23 **Objection No. 254.**

24 "Q. Well, I'm wondering if you expressed to anyone that there was more work that needed to be
25 done at the City of Burbank with respect to diversity training?

26 A. Yes.

27 Q. And did you express that your belief -- your belief was that they needed more diversity
28 training?

A. Yeah, it was a hope. It was -- yes." (Nahabedian Depo., 60:11-19.)

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1 **Objection No. 256.**

2 "Q. So -- so comments that you received from certain officers during your trainings led you to
3 believe that racial intolerance was occurring within the Burbank Police Department?

4 MS. HUREVITZ: Objection. Lacks foundation.

5 THE WITNESS: Can I -- should I give one particular example? One particular --

6 BY MR. GRESEN: Q. Well, you can give an example. But is that a yes or a no?

7 A. Yes." (Nahabedian Depo., 62:1-12.)

8 **Grounds for Objection: No. 256:**

9 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
10 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
11 (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

12 Childs attempted to submit the same evidence in opposition to Defendant's summary
13 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
14 same grounds.

15 **Court's Ruling on Objection: No. 256: Sustained _____**

16 **Overruled _____**

17 **Objection No. 257.**

18 "A. One particular example -- for example, I got from the -- from the training that -- that one of
19 the lockers has a picture of a woman who's maybe naked or near naked -- something like this.
20 That -- presently, that is the case, and that was something that sort of was known, and it wasn't --
21 it's not my position to -- it definitely wasn't my position to be the enforcement of those things and
22 so -- and I wanted there to be -- I wanted to create an environment where people could say what
23 was going on. Does that make sense?

24 Q. Right. (Nahabedian Depo., 62:14-25)

25 **Grounds for Objection: No. 257:**

26 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
27 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
28 (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 257: Sustained _____**

5 **Overruled _____**

6
7 **Objection No. 258.**

8 "Q. Did anybody tell you that they were afraid to speak out?

9 A. Yeah, I got that from one person who came and approached me about it being important to do"
10 (Nahabedian Depo., 64:20-25)

11 **Grounds for Objection: No. 258:**

12 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
13 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion
14 (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

15 Childs attempted to submit the same evidence in opposition to Defendant's summary
16 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
17 same grounds.

18 **Court's Ruling on Objection: No. 258: Sustained _____**

19 **Overruled _____**

20 **OBJECTIONS TO EXHIBIT L – DEPOSITION TESTIMONY OF MARSHA RAMOS**

21 **Objection No. 259.**

22 "city council member end?

23 A. I think it technically ended midnight April 30, 2009. My last meeting -- but it was a formality --
24 was May 1st, 2009." (Ramos Depo., 12:2-5)

25 "Q. Well, the question was, given the objections, did you have any knowledge of any problems
26 within the Burbank Police Department concerning racial issues or bias during your tenure as a city
council member? And I don't think a yes or no would violate any privilege.

27 A. Yes." (Ramos Depo., 15:13-19)

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1 A. The city attorney and I went nuts and almost hired my own attorney because, if there was ever
2 anything, , we weren't even allowed to ask anybody." (Ramos Depo., 17:20 - 18:5)

3 **Grounds for Objection: No. 261:**

4 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
5 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), attorney-client privilege
6 (Evid. Code § 954), inadmissible hearsay (Evid. Code § 1200), and vague.

7 Childs attempted to submit the same evidence in opposition to Defendant's summary
8 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
9 same grounds.

10 **Court's Ruling on Objection: No. 261: Sustained _____**

11 **Overruled _____**

12 **Objection No. 262.**

13 "Q. Did Officer Jones tell you what she meant by the "culture in the department"?"

14 A. I asked her, "Is there -- is it because there's no room for promotion? Is that the problem?" And
15 she says, "Not in this department." And she said something -- she alluded but never said
16 specifically, "It's because I'm black." She never said that or "because I'm female." But -- she said,
"We'll talk later." But we never did." (Ramos Depo., 19:6-15)

17 **Grounds for Objection: No. 262:**

18 The testimony fails to identify when the alleged comments occurred or the context in
19 which the comments were made and thus the testimony lacks foundation (Evid. Code § 403). The
20 testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
21 speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

22 Childs attempted to submit the same evidence in opposition to Defendant's summary
23 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
24 same grounds.

25 **Court's Ruling on Objection: No. 262: Sustained _____**

26 **Overruled _____**

1 **Objection No. 263.**

2 "Q. Do you recall any of the details?

3 A. There were allegations of, I believe, discrimination and inappropriate treatment of officers. I
4 believe there was allegations of forced used by some officers against the public. I think I recall
5 some references to inappropriate behaviors of supervisors and commanding officers within the
department that went unreported. I recall that certain officers were cited as using racial epithets,
and that's all I recall at this moment." (Ramos Depo., 20: 14-24)

6 **Grounds for Objection: No. 263:**

7 The testimony fails to identify who engaged in the alleged conduct, when the alleged
8 conduct occurred or the context in which the conduct occurred and thus the testimony lacks
9 foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351),
10 conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code
11 § 1200), and vague.

12 Childs attempted to submit the same evidence in opposition to Defendant's summary
13 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
14 same grounds.

15 **Court's Ruling on Objection: No. 263: Sustained _____**

16 **Overruled _____**

17
18 **Objection No. 264.**

19 "And he said, "Well, there's problems within the department, and they have been going on a long
20 time." And he said, "You remember when" -- and then he brought up the police audit; and we
21 talked about that, his work in that. We talked about -- I talked about that when I was on the police
commission prior to my service on the council that I encouraged my fellow commissioners and the
22 council to do a -- a recruitment goal in the -- in their annual goals. And that was accepted. So
when he told me that the recruitments were going well but the actual hiring was a battle for him
because there was a process in place that kicked back potential good recruits, I remember stating
23 to him that, you know, that was disappointing to hear because that's something that I believe the
council was very committed to. He explained some particular situations, and I don't remember the
24 details of them. He spoke about a -- an environment that he felt was retaliatory in which that, if
anything was brought to the attention of Chief Stehr, that they were retaliated against and
punished. He spoke about there being a pretty acceptable environment where individuals officers
25 characterized the community and perhaps other -- and I think he said and other officers negatively
based on their race or gender." (Ramos Depo., 23:22 - 24:24)

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Objection No. 266.

"A. In fact, as the week went on and things kind of got a little more tense because what -- I forget why I thought somebody else was getting tense. I remember telling Mike -- this I do remember telling him: "If someone doesn't go in there now, there is so -- so much distrust within that department :hat I'm getting so many mixed messages -- not so many, but enough. I'm watching what's happening and listening." (Ramos Depo., 32:16-25)

Grounds for Objection: No. 266:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

Court's Ruling on Objection: No. 266: Sustained _____

Overruled _____

Objection No. 267.

"Q. And what -- what do you recall about that conversation?

A. He was very good. He said, "Well, there are certain things that are going on that I can't speak to you about, but I do believe the department has problems. I do believe that there are issues of discrimination and retaliation. And in - and it's an environment where people are fearful." And I sensed that people were fearful. And remember, prior this I had also gotten a phone call about the animal shelter, so." (Ramos Depo., 3 7:2- 12)

Grounds for Objection: No. 267:

The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Childs attempted to submit the same evidence in opposition to Defendant's summary judgment papers as to Childs and the Court sustained Defendant's objection based on these very same grounds.

1 **Court's Ruling on Objection: No. 267: Sustained _____**

2 **Overruled _____**

3
4 **Objection No. 268.**

5 "Q. Okay. When Omar told you that he was -- feared for retaliation, did he tell that you one of the
6 things he was fearful of was -- let me ask it this way: Did Omar express any fear about the Porto's
investigation to you?

7 A. I don't know what you mean by the word "fear."

8 Q. Did he tell you he was afraid of it, that he thought he was going to go to jail, that he thought
9 they were framing him up or any other thing . . ." (Ramos Depo., 40:25)

10 **Grounds for Objection: No. 268:**

11 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
12 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
13 Code § 1200), and vague.

14 Childs attempted to submit the same evidence in opposition to Defendant's summary
15 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
16 same grounds.

17 **Court's Ruling on Objection: No. 268: Sustained _____**

18 **Overruled _____**

19
20 **Objection No. 269.**

21 "Q. Do you recall what he said?

22 A. Well, you asked the question, "Was anything mentioned about pending investigations?" Yes,
he mentioned pending investigations.

23 Q. What did he say?

24 A. He said that -- he kind of gave me a time line. Oh, it was a very difficult lunch to be honest
25 with you. He gave me a time line of when he thought certain things would be wrapping up. He
said, "I think the Sheriffs investigation and the FBI investigation and our own private investigation
26 will wrap up, you know, in the first quarter." And that there was going to be a lot of terminations
from the top to the bottom, and people aren't going to be happy, and they're not going to like it,
27 that they were interviewing with a -- interviewing for the interim chief and that they -- he had met
to speak to another outside attorney firm that would investigation further the police department.

28 Q. The language that he used about the terminations, did he tell you specifically anybody who was
going to be terminated?

1 A. No, he said, "top to the bottom."

2 Q. Right. And did he tell you that they were thinking about terminating or for sure they there were
3 going to be a lot of terminations?

4 A. No, he said there was going to be a lot of terminations.

5 Q. Did you ask him how he knew that without having the results of the investigations or without
6 having the -- the -- the -- without having any results of the investigations?

7 A. No, but I thought it." (Ramos Depo., 51:16 - 52:23)

8 **Grounds for Objection: No. 269:**

9 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
10 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid.
11 Code § 1200), and vague.

12 Childs attempted to submit the same evidence in opposition to Defendant's summary
13 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
14 same grounds.

15 **Court's Ruling on Objection: No. 269: Sustained _____**

16 **Overruled _____**

17 **Objection No. 270.**

18 "Q. And what were the complaints in the animal shelter at that time?

19 A. That the supervisor -- well, it was more than the supervisor. It was the lieutenant was going to
20 come back, and the female volunteers were fearful because he -- it was a male lieutenant, and all
21 of a sudden the name escapes me. If we want to think about it for a while, I can probably
22 remember. But you know, you have access to his name. That they were fearful that he was coming
23 back because he had intimidated and been inappropriate and harassed female volunteers, and I also
24 spoke to Mr. Flad about that.

25 Q. Is the animal shelter overseen by the police department?

26 A. Yes." (Ramos Depo., 59:21 - 60:11)

27 "Q. And the allegations were of - of gender-based problems?

28 A. Yes." (Ramos Depo., 60:24 - 61:1)

"Q. Okay. Were there allegations of sexual harassment?

A. Absolutely. I think that could be characterized sexually inappropriate physical gestures and
power plays with the female employees using sexual references is what was explained to me."
(Ramos Depo., 61:5-11)

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1 **Objection No. 272.**

2 "Q. Do you recall personally hearing any member of the Burbank Police Department use the "N"
3 word?

4 A. No." (Guillen-Gomez Depo., 669: 19-21.)

5 **Grounds for Objection: No. 272:**

6 The testimony is irrelevant (Evid. Code §§ 210, 350-351).

7 Childs attempted to submit the same evidence in opposition to Defendant's summary
8 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
9 same grounds.

10 **Court's Ruling on Objection: No. 272: Sustained _____**

11 **Overruled _____**

12 **Objection No. 273.**

13 "Q. Who told you about that?

14 A. I don't remember exactly.

15 Q. Was it another officer, or was it somebody in" (Guillen-Gomez Depo., 670:8-10.)

16 **Grounds for Objection: No. 273:**

17 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
18 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
19 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
20 § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

21 Childs attempted to submit the same evidence in opposition to Defendant's summary
22 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
23 same grounds.

24 **Court's Ruling on Objection: No. 273: Sustained _____**

25 **Overruled _____**

26 **Objection No. 274.**

27 "A. No.

1 Q. Was it your partner?
2 A. Possibly. I don't remember exactly if it was him.
3 MR. MICHAELS: Okay. I need to take a break here for a minute to regroup and think about what
4 -- what I've got left. So let's go off the record.
5 MR. GRESEN: Thank you.
6 THE VIDEOGRAPHER: Off the record at 12:05 p.m. (A recess was taken.)
7 THE VIDEOGRAPHER: And we are on the record at 12: 15 p.m. This is the beginning of Tape 2,
8 Volume IV.
9 Q. BY MR. MICHAELS: You okay?
10 A. Yes. I'm okay.
11 Q. Tell me if you need a moment.
12 A. Oh, no. I'm fine.
13 Q. I hope that that's for your nose rather than your eyes.
14 A. I open so too.
15 MR. GRESEN: See how it goes.
16 Q. BY MR. MICHAELS: That tissue. Okay. Now, I've asked you whether you used some of these
17 words, and you said, "Possibly." Is there -- are there any derogatory words of an ethnic, racial, or
18 sexual nature that you have a recollection of using?
19 A. No.
20 Q. I'd like to ask you about your answer that you. . . ." (Guillen-Gomez Depo., 670:22-67 1 :25.

19 **Grounds for Objection: No. 274:**

20 The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-
21 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and overbroad.

22 Childs attempted to submit the same evidence in opposition to Defendant's summary
23 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
24 same grounds.

25 **Court's Ruling on Objection: No. 274:** Sustained _____

26 Overruled _____

1 **Objection No. 275.**

2 "hour.

3 Can you think of any other event that was -- . . . " (Guillen-Gomez Depo., 680:24-25.)

4 **Grounds for Objection: No. 275:**

5 The deposition testimony reflected in the citations set forth in plaintiffs evidence is
6 unintelligible as stated. The testimony also lacks foundation (Evid. Code § 403), is irrelevant
7 (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702),
8 vague, and ambiguous.

9 Childs attempted to submit the same evidence in opposition to Defendant's summary
10 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
11 same grounds.

12 **Court's Ruling on Objection: No. 275: Sustained _____**

13 **Overruled _____**

14
15 **OBJECTIONS TO EXHIBIT N -- DEPOSITION TESTIMONY OF JAMAL CHILDS**

16 **Objection No. 276:**

17 "A. I remember where me and him were, but I don't remember where the investigation ultimately
18 took us. Me and him were parked on -- behind some business on Vanowen Boulevard.

19 Q. And you were -- I read all these detective books. I'm told surveillance is boredom peppered by
20 something exciting. Is that a fair characterization?

21 A. Yes.

22 Q. Okay. So you guys are sitting around, just sort" (Childs Depo. 51:2-11.)

23 **Grounds for Objection: No. 276:**

24 The witness fails to identify who engaged in the alleged conduct, when the alleged conduct
25 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
26 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code
27 § 702), speculative (Evid. Code § 702), vague.

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 **Court's Ruling on Objection: No. 276: Sustained _____**

5 **Overruled _____**

6
7 **Objection No. 277.**

8 "conversation with Karagiosian where he told you about the fight with Officer Kendrick and that
9 he told Kendrick he wanted to kill him did this conversation from the lower report writing room
take place?

10 A. I believe the

11 MR. GRESEN: Misstates testimony. Foundation. You may answer.

12 THE WITNESS: Can you repeat the question?

13 Q. BY MS. SAVITT: It wasn't a very good question. Okay. You told me about one conversation
14 you had with Karagiosian where he talked about the fight up in Fresno and where he admitted to
15 you that he said he wanted to kill -- he told Kendrick he wanted to kill him. I'm assuming, and
maybe I'm wrong, that the conversation about what happened in the lower report writing room
was later.

16 A. I believe that was before.

17 Q. It was before?

18 A. Yes.

19 Q. Okay. So how much before the conversation where Karagiosian told you he had told Kendrick
20 he wanted to" (Childs Depo., 8 1 :21-82: 16.)

21 **Grounds for Objection: No. 277:**

22 The witness fails to identify when the alleged conduct occurred, or the context in which it
23 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
24 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
25 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

26 Childs attempted to submit the same evidence in opposition to Defendant's summary
27 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
28 same grounds.

1 A. Yes.
2 Q. Okay. And you told her about it?
3 A. Yes.
4 Q. Okay. And was he one of your supervisors?
5 A. I don't know if he was my direct supervisor, but I worked that shift with him.
6 Q. Okay. Did he ever evaluate you?
7 A. I believe so.
8 Q. Did he ever give you a negative evaluation?
9 A. I don't think so.
10 Q. And you say that created a strain between you and him?
11 A. I believe so, yes.
12 Q. Now, did you feel uncomfortable around him?
13 A. Very.
14 Q. Okay. Did he ever say or do anything after that" (Childs Depo., 121:3-122:16)

15 **Grounds for Objection: No. 279:**

16 The witness fails to identify when the alleged conduct occurred and thus the testimony
17 lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-
18 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible
19 hearsay (Evid. Code § 1200).

20 Childs attempted to submit the same evidence in opposition to Defendant's summary
21 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
22 same grounds.

23 **Court's Ruling on Objection: No. 279: Sustained _____**

24 **Overruled _____**

25
26 **Objection No. 280.**

27 "A. I think so, yes.

28 Q. Okay. Are you aware that someone sent an anonymous letter to Mike Paninello in his capacity
as president of the BPOA in May -- in March of 2008?

1 MR. GRESEN: Foundation. Facts not in evidence. You may answer.

2 THE WITNESS: I've heard rumors about different anonymous letters, but I don't know which one
3 you're referring to.

4 Q. BY MS. SAVITT: Have you ever seen any of the anonymous letters?

5 A. No.

6 Q. Okay. Were -- did you understand that one of. . . ." (Childs Depo., 141:2-13)

7 **Grounds for Objection: No. 280:**

8 The testimony is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
9 speculative (Evid. Code § 702), and vague.

10 Childs attempted to submit the same evidence in opposition to Defendant's summary
11 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
12 same grounds.

13 **Court's Ruling on Objection: No. 280: Sustained _____**

14 **Overruled _____**

15 **Objection No. 281.**

16 "anonymous letter to Mike Parrinello in his capacity as president of the BPOA in May -- in March
17 of 2008?

18 MR. GRESEN: Foundation. Facts not in evidence. You may answer.

19 THE WITNESS: I've heard rumors about different anonymous letters, but I don't know which one
20 you're referring to.

21 Q. BY MS. SAVITT: Have you ever seen any of the anonymous letters?

22 A. No.

23 Q. Okay. Were -- did you understand that one of. . . ." (Childs Depo, 142:3-13)

24 **Grounds for Objection: No. 281:**

25 The testimony is irrelevant (Evid. Code §5 210, 350-351), conclusory (Evid. Code § 702),
26 speculative (Evid. Code § 702), and vague.

1 Childs attempted to submit the same evidence in opposition to Defendant's summary
2 judgment papers as to Childs and the Court sustained Defendant's objection based on these very
3 same grounds.

4 Court's Ruling on Objection: No. 281: Sustained _____
5 Overruled _____
6
7
8

9 Dated: May 7, 2010

MITCHELL SILBERBERG & KNUPP LLP
Lawrence A. Michaels

11
12 By: Lawrence Michaels (hst)
13 Lawrence A. Michaels
14 Attorneys for Defendants and Cross-
15 Complainant CITY OF BURBANK,
16 including the POLICE DEPARTMENT OF
17 THE CITY OF BURBANK (erroneously
18 sued as an independent entity named
19 "BURBANK POLICE DEPARTMENT")
20
21
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28 Mitchell
Silberberg &
Knupp LLP

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PROOF OF SERVICE

42729-00001

Rodriguez, et al. vs. Burbank Police Department, et al. — LASC Case No. BC414602

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On May 7, 2010, I served a copy of the foregoing document(s) described as:
**DEFENDANT'S EVIDENTIARY OBJECTIONS TO PLAINTIFF'S EVIDENCE IN
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF
ELFEGO RODRIGUEZ** on the interested parties in this action at their last known address as set forth below by taking the action described below:

Solomon E. Gresen, Esq.
Steven V. Rheuban, Esq.
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, CA 91436
T: (818) 815-2727 — F: (818) 815-2737

*Attorneys for Plaintiffs Omar Rodriguez, Cindy Guillen-Gomez,
Steve Karagiosian, Elfego Rodriguez, and Jamal Childs*

☒ **BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed envelope(s), and caused personal delivery by **FIRST LEGAL SUPPORT SERVICES** of the document(s) listed above to the person(s) at the address(es) set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 7, 2010, at Los Angeles, California.


Isabel G. Moreno

1 **PROOF OF SERVICE**

2 42729-00001

3 *Rodriguez, et al. vs. Burbank Police Department, et al. — LASC Case No. BC414602*

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am employed in the county of Los Angeles, State of California.

6 I am over the age of 18, and not a party to the within action; my business address is
7 **FIRST LEGAL SUPPORT SERVICES**, 1511 West Beverly Boulevard, Los Angeles,
California 90026.

8 On May 7, 2010, I served the foregoing document(s) described as **DEFENDANT'S**
9 **EVIDENTIARY OBJECTIONS TO PLAINTIFF'S EVIDENCE IN OPPOSITION TO**
10 **MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF ELFEGO RODRIGUEZ**
which was enclosed in sealed envelopes addressed as follows, and taking the action described
below:

11 Solomon E. Gresen, Esq.
12 Steven V. Rheuban, Esq.
13 Law Offices of Rheuban & Gresen
14 15910 Ventura Boulevard, Suite 1610
Encino, CA 91436
T: (818) 815-2727 — F: (818) 815-2737

15 *Attorneys for Plaintiffs Omar Rodriguez, Cindy Guillen-Gomez,*
16 *Steve Karagiosian, Elfego Rodriguez, and Jamal Childs*

17 ☒ **BY PERSONAL SERVICE:** I hand delivered such envelope(s):

18 ☐ to the addressee(s);

19 ☒ to the receptionist/clerk/secretary in the office(s) of the addressee(s).

20 ☐ by leaving the envelope in a conspicuous place at the office of the addressee(s)
between the hours of 9:00 a.m. and 5:00 p.m.

21 I declare under penalty of perjury under the laws of the State of California that the above is
22 true and correct.

23 Executed on May 7, 2010, at Los Angeles, California.

24 Omar Eason

25 Printed Name

26 Omar Eason

27 Signature